
THE CANTONMENTS (HOUSE-ACCOMMODATION)
ACT, 1902 (II OF 1902)

AS MODIFIED UP TO 1st JUNE 1910

AND

RULES MADE THEREUNDER

CANTONMENT CODE, 1912.

REFERENCE TABLES.

Showing where sections of the Cantonment Code, 1899, as amended from time to time will be found in the Cantonment Code, 1912.

Section of		Section of		Section of		Section of		Section of	
1899 Code	1912 Code.	1899 Code.	1912 Code	1899 Code	1912 Code	1899 Code	1912 Code.	1899 Code	1912 Code.
1	1	74	75	93	96	114	117	135	139
to	to	75	76	94	97	115	118	134	139
66	66	76	77	95	98	116	119	136	140
67	68	76 A	78	96	99	117	120	136	141
68	69	77	79	97	100	118	121	137	142
68 A	67	78	80	98	101	119	122	138	143
69	60	79	81	99	102	120	123	139	144
60	61	80	82	100	103	120 A	124	140	145
61	62	81	83	101	104	120 B	125	141	146
62	63	82	84	102	105	121	126	142	147
63	64	83	85	103	106	122	127	143	148
64	65	84	86	104	107	123	128	144	149
65	66	85	87	105	108	124	129	145	150
66	67	86	88	106	109	125	130	146	151
67	68	86 A	89	107	110	126	131	147	153
68	69	87	90	108	111	127	132	148	153
69	70	88	91	109	112	128	133	149	154
70	71	89	92	110	113	129	134	150	155
71	72	90	93	111	114	130	135	151	156
72	73	91	94	112	115	131	136	152	157
73	74	92	95	113	116	132	137	153	158

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Section of		Section of		Section of		Section of		Section of	
1899 Code.	1912 Code.	1899 Code.	1912 Code.	1899 Code.	1912 Code.	1899 Code.	1912 Code.	1899 Code.	1912 Code.
154	159	179	184	204	209	229	234	254	259
155	160	180	185	205	210	230	235	255	260
156	161	181	186	206	211	231	236	256	261
157	162	182	187	207	212	232	237	257	262
158	163	183	188	208	213	233	238	258	263
159	164	184	189	209	214	234	239	259	264
160	165	185	190	210	215	235	240	260	265
161	166	186	191	211	216	236	241	261	266
162	167	187	192	212	217	237	242	262	267
163	168	188	193	213	218	238	243	263	268
164	169	189	194	214	219	239	244	264	269
165	170	190	195	215	220	240	245	265	270
166	171	191	196	216	221	241	246	266	271
167	172	192	197	217	222	242	247	267	272
168	173	193	198	218	223	243	248	268	273
169	174	194	199	219	224	244	249	269	274
170	175	195	200	220	225	245	250	270	275
171	176	196	201	221	226	246	251	271	276
172	177	197	202	222	227	247	252	272	277
173	178	198	203	223	228	248	253	273	278
174	179	199	204	224	229	249	254	274	279
175	180	200	205	225	230	250	255	275	280
176	181	201	206	226	231	251	256	276	281
177	182	202	207	227	232	252	257	277	282
178	183	203	208	228	233	253	258	278	283

REFERENCE TABLES—contd

Showing where sections of the Contonment Code, 1899, as amended from time to time will be found in the Contonment Code, 1912—concl'd

Section of		Section of		Section of		Section of		Section of	
1899 Code	1912 Code	1899 Code	1912 Code	1899 Code	1912 Code	1899 Code	1912 Code	1899 Code	1912 Code
279	281	232	287	285	290	288	293	290	296
280	285	283	288	286	291	288 A	294	291	297
281	286	234	289	287	292	289	295	292	298

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THE CANTONMENTS (HOUSE ACCOMMODATION) ACT, 1902 (II OF 1902).

[As modified up to 1st June, 1910.]

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CHAPTER V.

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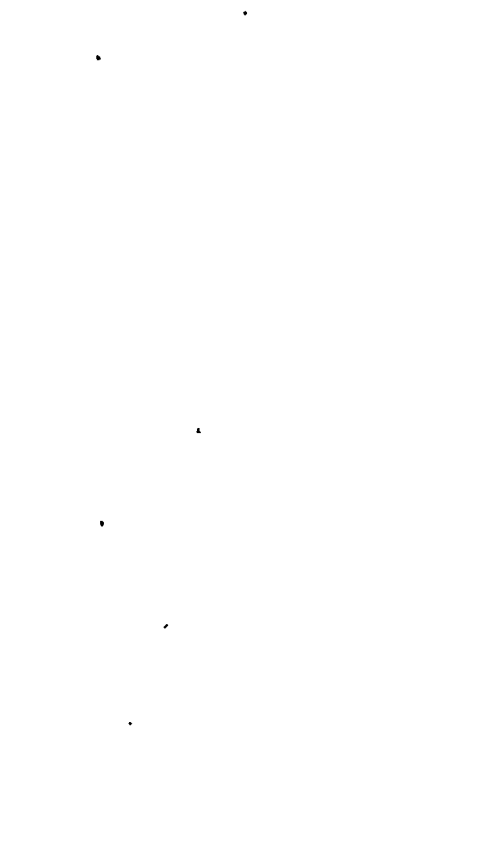
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ACT No II OF 1902^[1]

[14th February 1902]

An Act to make better provision for securing house accommodation for military officers in cantonments

[As modified up to 1st June 1910]

WHEREAS various conditions, rules, regulations and orders have from time to time been laid down by, or by the authority of, the Government, in regard to the grant of land and the occupation of land and houses in cantonments, with the object of securing, amongst other things that houses built on such land should be made available when required for the accommodation of military officers,

And whereas, notwithstanding the said conditions, rules, regulations and orders, difficulties have frequently been experienced in obtaining house accommodation in cantonments for military officers, and it is expedient to make better provision for that purpose,

It is hereby enacted as follows —

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Cantonments (House Accommodation) Act, 1902

Short title,
extent and
commence-
ment

(2) It extends to the whole of British India (inclusive of British Baluchistan), except Aden, and

(3) It shall come into force at once, but it shall not become operative in any cantonment or part of a cantonment until the issue, or otherwise than in pursuance, of a notification as hereinafter provided by section 3

2 (1) In

[1] For Statement of Objects and Reasons see Gazette of India 1902 Pt. V p. 364, for Report of the Select Committee see *ibid* 1902, Pt. V, p. 9 for Proceedings of Council see *ibid* 1903 Pt. VI, p. 336 & *id*, 1911 Pt. VI p. 220 & *id* 1902, Pt. VI pp. 2 & 112.

(Chapter II.—Application of Act.—Section 3.)

agent or trustee, or who would so receive the rent, or be entitled to receive it, if the house were let to a tenant: and

- (g) the expression "repairs" to a house includes such repairs as are usually made to houses in the neighbourhood, but does not include additions, improvements or alterations except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the owner's consent.

(2) If any question arises whether any land or building is appurtenant to a house, it shall be decided by the Cantonment Magistrate, whose decision thereon shall, subject to revision by the District Magistrate, be final.

CHAPTER II.

APPLICATION OF ACT. [1]

3. (1) The Local Government, with the previous Cantonments sanction or parts of

in the case of Agra and Oudh, in respect of the Cantonments of Lucknow, Sitapore, Muttra, Chakrata, Roorkee, Lansdowne, Jhansi and Meerut, see United Provinces Gazette, 1903, Pt. I, p. 769; as to Fyzabad and a portion of the Agra Cantonment, see *ibid.*, Pt. I, p. 899, as to portions of the Cawnpore Cantonment, *ibid.*, 1904, Pt. I, p. 201; as to that portion of the Benares Cantonment which lies west of the Mall Road except two bungalows *ibid.* p. 493.

(Chapter II.—Application of Act.—Section 4.
 Chapter III.—Appropriation of Houses for Occupation by Military Officers.—Sections 5-6.)

Cantonments,
 in which Act
 to be operative.

sanction of the Governor General in Council, may, by [1] notification in the local official Gazette, declare this Act to be operative in any cantonment or part of a cantonment situate in the territories under its administration, other than a cantonment situate within the limits of a Presidency town.

(2) Before issuing a notification under sub-section (1) in respect of any cantonment or part of a cantonment, the Local Government shall cause local inquiry to be made with a view to determining whether it is expedient to issue such notification and what portion (if any) of the area proposed to be included therein should be excluded therefrom.

Saving of
 written in-
 struments,

4. Nothing in this Act shall affect the provisions of any written instrument executed by or on behalf of the East India Company or the Government, unless the other party entitled and the Secretary of State for India in Council consent in writing to be bound by the terms of this Act.

CHAPTER III.

APPROPRIATION OF HOUSES FOR OCCUPATION BY MILITARY OFFICERS

Liability of
 houses to
 appropriation
 for occupa-
 tion by
 military
 officers.

5. Every house situate in a cantonment or part of a cantonment in respect of which a notification under section 3, sub-section (1), is for the time being in force, shall be liable, subject to the provisions hereinafter contained, to appropriation at any time for occupation by a military officer.

Appropriation of houses
 for military
 officers, where
 not already
 occupied by
 a military
 officer

6. Where the Cantonment Authority, on application made to it as hereinafter provided by section 8 and subject to the requirements of that section, considers that the liability imposed by section 5 should be enforced on behalf of a military officer, it may, if the house is not already occupied by a military officer, by notice—

- (a) require the owner to let the house to the military officer named in the notice, and
 (b) require

[1] See footnote on preceding page

(Chapter III.—Appropriation of Houses for Occupation by Military Officers.—Sections 7-8.)

(b) require the existing occupier (if any) to vacate the same

7. If a house is already occupied by a departmental military officer, and the Cantonment Authority, on application made to it as hereinafter provided by section 8 and subject to the requirements of that section, considers that the liability imposed by section 5 should be enforced on behalf of a regimental officer, or *vice versa*, it may, by notice, require the officer in occupation to vacate the house; and may, if necessary, by further notice require the owner to accept the change of tenancy.

Appropriation of house for regimental military officer, where already occupied by departmental military officer.

8. (1) Where a military officer considers that a notice should be issued in his behalf under section 6 or section 7, as the case may be, he may request the Commanding Officer of his regiment, or (in the case of a departmental military officer) the local head of his department, to make an application to that effect to the Cantonment Authority.

Procedure to be observed before appropriating house.

(2) On receipt of an application made under subsection (1), the Cantonment Authority shall inquire into the case, and it shall not issue the notice applied for unless it is satisfied—

- (a) that it is necessary or expedient for the military officer to reside in the cantonment, or, if this Act is in force in part of the cantonment only, then in that part;
- (b) that the circumstances are such as to require its intervention;
- (c) that the monthly rent proposed for the house is reasonable; and
- (d) that the house is suitable for the residence of the officer and, if it is occupied, that there is no vacant house in the cantonment or the said part of the cantonment, as the case may be, which is suitable for his residence.

12 *Cantonments (House-Accommodation).* [ACT II
(Chapter III.—Appropriation of Houses for Oc-
cupation by Military Officers.—Sections 9-10.)

Explanation I.—Where the rent of a house is registered in the office of the Cantonment Authority, the rent so registered shall be presumed, until the contrary is shown, to be the reasonable rent for the house.

Explanation II.—In considering whether a house is suitable for the residence of a military officer, regard shall be had to—

- (i) the locality in which his duties chiefly lie,
- (ii) his rank, and
- (iii) the number of persons dependent upon, and residing with, him.

9. Every notice to an owner issued under section 6 or section 7 shall state the amount of monthly rent proposed as reasonable for the house.

10. (1) No house in any cantonment or part of a cantonment in which this Act has been declared by a notification under section 3, sub-section (1), to be operative shall, unless it was so occupied at the date of such notification, be occupied for the purposes of a hospital, bank, hotel, shop or school, or by a railway administration, without the previous sanction of the [1] [Officer Commanding the Division] given with the concurrence of the Local Government.

(2) Before application is made for such sanction as aforesaid, the Commanding Officer of the cantonment shall certify whether or not in his opinion the number of houses in the cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

- (a) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situate, for military officers, or
- (b) necessitate the acquisition of land at some future

[1] Substituted for the words "General Officer of the Command" by the Amending (Army) Act, 1909 (5 of 1909), Genl. Acts, Vol VI, Appendix II.

Notice to state that reasonable rent is offered. Sanction to be obtained before a house is occupied as a hospital, bank, hotel, shop or school, or by a railway administration

(Chapter. III.—Appropriation of Houses for Occupation by Military Officers.—Sections 11-13.)

future time for the extension of the cantonment.

11. No notice shall be issued under section 6, if the house—

- (a) was occupied prior to the date of a notification under section 3, sub-section (1), declaring the Act to be operative in the cantonment or part of the cantonment, or is occupied with the sanction required by section 10, as a hospital, bank, hotel, shop or school, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or
- (b) was occupied prior to the date of such a notification as is referred to in clause (a), or is occupied, with the sanction aforesaid, by a railway administration, or
- (c) is occupied by the owner, or
- (d) is appropriated ^[1] by the Local Government, with the concurrence of the ^[2] [Officer Commanding the Division] or by the Governor General in Council, for use as a public office or for any other purpose.

Houses not to be appropriated for military officers in certain cases.

12. (1) If a house is unoccupied, a notice issued under section 6 may require the owner to give possession of the same to the proposed tenant within four days from the service of the notice.

Time to be allowed for giving possession of house

(2) If a house is occupied, a notice issued under section 6 or section 7 shall not require its vacation in less than thirty days from the service of the notice.

13. If the owner fails to give possession of a house to the proposed tenant in pursuance of a notice issued under section 6 or section 7, or if the existing occupier

Surrender of house when to be enforced.

[1] For list of houses in certain cantonments so appropriated by the Government of the Punjab, see Punjab Gazette, 1904, Pt. I, p. 816; *ibid*, 1906, Pt. I, p. 1106.

[2] Substituted for the words "General Officer of the Command" by the Amending (Army) Act, 1909 (5 of 1909), Genl. Acts, Vol. VI, Appendix II.

11 *Cantonments (House-Accommodation)* [AC 11
(Chapter III—Appropriation of Houses for Oc-
cupation by Military Officers—Sections 14-15)

occupier fails to vacate a house in pursuance of such a notice, the Cantonment Magistrate, by himself or by another person generally or specially authorized by him in this behalf, shall enter on the premises and enforce the surrender of the house

14. (1) If a house in respect of which a notice is issued under section 6 or section 7 is shown to the satisfaction of the Local Government, or is proved by a decree or order of a Court of competent jurisdiction to have been erected—

(a) under any conditions rules regulations or orders which were in force in Bengal prior to the eighth day of December 1864 and conferred on the owner the option of offering the house for sale to the military officer applying for its appropriation for his occupation or to the East India Company or the Government, or

(b) under any conditions, rules, regulations or orders which were in force in Bombay prior to the first day of June, 1875, and conferred such an option as is described in clause (a),

then the owner shall have the option of either complying with the notice or offering the house for sale to the military officer in whose behalf the notice was issued, or to the Government

(2) If the owner elects to sell the house, and such military officer or the Government is willing to purchase it, the amount of the purchase money to be paid shall, in the event of disagreement, be determined by a Committee of Arbitration

15. (1) If a house is occupied by a tenant holding in good faith and for valuable consideration under a registered lease for any term exceeding one year, or from year to year, no notice shall be issued under

Option in certain cases for owner on whom notice is issued under section 6 or section 7 to call upon the military officer concerned or the Government to purchase

Provision where tenant required to vacate holds under a long lease

under section 6 or section 7 without the previous sanction of the Officer Commanding the [1] [Division.]

(2) If a house, in respect of which a notice is issued under section 6 or section 7, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease for any term exceeding one year, the Secretary of State for India in Council shall, for the term of one year from the date on which the house is vacated in pursuance of the notice, or for the unexpired term of the lease, whichever is the shorter, be liable to the owner for the rent payable under this Act or, if no rent is so payable, for the rent fixed by the registered lease.

(3) If a house, in respect of which a notice is issued under section 6 or section 7, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease from year to year the Secretary of State for India in Council shall be liable as aforesaid for the term of six months from the date on which the house is vacated in pursuance of the notice.

(4) Nothing in this section shall be deemed—

(a) to render the said Secretary of State in Council so liable unless an application in writing in this behalf is made by the owner to the Cantonment Authority within fifteen days from the service of the notice; or

(b) to limit or otherwise affect any agreement between the said Secretary of State in Council and the owner.

16. (1) Subject to the terms of any agreement in writing between an owner and a military officer, and to the provisions of this section, every lease of a house to such an officer shall be deemed to be a lease from month to month, terminable,—

Terms of tenancy applicable to military officers.

(a) without notice, in the case of a Committee of Arbitration deciding, as hereinafter provided

[1] Substituted for the word "District" by the Amending (Army) Act, 1903 (5 of 1903), Genl. Acts, Vol. VI, Appendix II.

16 *Cantonments (House-Accommodation).* [ACT II
(Chapter III.—Appropriation of Houses for Oc-
cupation by Military Officers.—Sections 17-18.)

provided, that the house has become un-
fit for occupation,

(b) by half a month's notice to the owner, in the
case of the departure of the officer from
the cantonment on duty or under medical
certificate, and

(c) by one month's notice to the owner, in any
other case.

(2) The Cantonment Magistrate shall, if the
military officer so desires, cause the notice required
by sub-section (1), clause (b) or clause (c), to be served
on the owner.

(3) Where a military officer has, in pursuance of
sub-section (1), clause (a), given up his occupation
of a house without notice and has occupied the house
during a portion only of the calendar month in
which his occupation ceased, he shall be liable to
pay as rent for that portion a sum bearing the same
proportion to the monthly rent as the said portion
bears to the whole month.

(4) Where a notice in respect of a house has been
issued under section 6 or section 7 and the house has
been vacated in pursuance thereof, the tenancy of
the military officer in whose behalf the notice was
issued, shall be deemed to have commenced on the
date on which the house was vacated

17. If the tenant of a house, being a military
officer, sub-lets the same without the consent of the
owner, the sub-lease shall be voidable at the option
of the owner.

18. (1) If the owner considers that the rent
stated in a notice in accordance with section 9 is not
reasonable, he may, within a period of fifteen days
from the service of such notice, require that the
matter be referred by the Commanding Officer of the
cantonment to a Committee of Arbitration.

(2) If

Sub-lease
voidable at
option of
owner

Power for
owner to
require refer-
ence to
arbitration
in question
of rent

(Chapter III.—Appropriation of Houses for Occupation by Military Officers—Sections 19-21.)

(2) If the owner does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered

(3) The rent fixed by a Committee of Arbitration or accepted by the owner under this section shall be deemed to be the rent payable by the military officer in whose behalf the notice was issued, as from the commencement of his tenancy, and the amount of such rent shall not be called in question by either party, except in the circumstances mentioned in section 21, clause (a)

19. (1) If the owner fails to execute any repairs to a house which the tenant, being a military officer, considers necessary, the Cantonment Authority may, at the request of the tenant and if it is satisfied that such repairs or any of them are necessary, by notice require the owner to execute such repairs, or such of them as it may consider necessary, within a period, not less than fifteen days, to be specified in the notice.

Power for owner to require reference to arbitration on question of repairs

(2) If the owner objects to comply with a notice issued under sub-section (1), he may, within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration

20. If the tenant of a house, being a military officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

Power for military tenant to require reference to arbitration on question whether house has become unfit for occupation

21. If the owner and the tenant of a house, being a military officer, disagree—

Power for either owner or military tenant to require reference to arbitration on other questions

(a) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(b) on

18 *Cantonments (House-Accommodation)* [ACT II
(Chapter III—Appropriation of Houses for Occupation by Military Officers—Sections 22 23)

(b) on any matter relating to rent or repairs not otherwise provided for by this Act, either the owner or the tenant may require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration

22. Where—

- (a) the owner fails to comply with a notice issued under section 19, sub-section (1), and has not, within fifteen days from the service of such notice, required that the matter be referred to a Committee of Arbitration, or
- (b) a Committee of Arbitration decides that repairs are necessary and the extent to which they are necessary, and specifies the period within which they are to be executed, and the owner fails to execute them within such period,

the Military Works Services or the Public Works Department shall, on the application of the tenant of the house, being a military officer, cause the repairs specified in the notice or, if the matter has been referred to a Committee of Arbitration, in the decision of the Committee, to be executed at the expense of the tenant, and the tenant may deduct the cost thereof from the rent, or otherwise recover it from the owner.

23. Every person on whom devolves, by transfer, by succession or by operation of law, the interest of an owner in any house, or in any part of any house, situate in a cantonment or part of a cantonment in respect of which a notification under section 3, sub-section (1), is for the time being in force, shall be bound to give the Cantonment Magistrate notice of the fact within one month from the date of such devolution, and, if he, without reasonable cause, fails to do so, shall be punishable with fine which may extend to fifty rupees.

CHAPTER IV.

Power for military tenant to have repairs executed and recover cost

Notice to be given of devolution of interest in house in cantonment.

CHAPTER IV

COMMITTEES OF ARBITRATION

24. In the event of any disagreement as to the amount of the purchase money of a house to be sold under section 14, sub section (2), the Cantonment Authority shall apply to the Commanding Officer of the cantonment to refer the matter to a Committee of Arbitration, and the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration to determine it

Convening of Committees of Arbitration in cases falling under section 14, sub section (2).

25. Where a requisition is made to the Commanding Officer of the cantonment by an owner under section 18 section 19 or section 21, the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration—

Convening of Committees of Arbitration on requisition of owners

(a) to determine the amount of monthly rent to be paid, or

(b) to determine whether any, and (if any) what, repairs are necessary, the extent to which they are necessary, and the period within which they are to be executed, or

(c) otherwise to determine the question in dispute

26 (1) Where a requisition is made to the Commanding Officer of the cantonment by a military officer under section 20 or section 21, the Commanding Officer of the cantonment may, after such inquiry as he may think fit to make, proceed to convene a Committee of Arbitration—

Convening of Committees of Arbitration on requisition of military officers

(a) to determine whether the house has become unfit for occupation or

(b) to determine the amount of monthly rent to be paid, or

(c) to determine whether any, and (if any) what, repairs are necessary, the extent to

(Chapter IV.—Committees of Arbitration.—Sections 27-28.)

to which they are necessary, and the period within which they are to be executed, or

(d) otherwise to determine the question in dispute.

(2) In the exercise of the discretion vested in him by sub-section (1), the Commanding Officer of the cantonment may refuse to convene a Committee of Arbitration on the ground that the application therefor is groundless or frivolous

Procedure for
convening
Committees
of Arbitration
generally

27. (1) Where a Committee of Arbitration is to be convened, the Commanding Officer of the cantonment shall forthwith cause an order to be published in Station Orders, stating the matter to be determined.

(2) The Cantonment Magistrate shall forthwith send a copy of such order to the District Magistrate and to the parties concerned, and shall forthwith by notice require the parties to nominate members of the Committee in accordance with the provisions of sections 28 and 29

Constitution
of Com-
mittees of
Arbitration

28. Every Committee of Arbitration shall consist of—

(a) a chairman, who shall be the District Magistrate, or, if the District Magistrate is unable to act on the Committee, some Magistrate, being a Justice of the Peace or Magistrate of the first class, and not being the Cantonment Magistrate, appointed by the District Magistrate to act in his stead;

(b) a member to be nominated by the military officer concerned; and

(c) a member to be nominated by the owner concerned :

Provided that, if the military officer and the owner, at any time before the meeting of the Committee, join in nominating, by notice to the Cantonment

(Chapter IV.—Committees of Arbitration.—Sections 29-30.)

ment Magistrate, any other person as chairman, such person shall be the chairman instead of the District Magistrate or the Magistrate (if any) appointed by the District Magistrate under clause (a); and

Provided, also, that,—

- (i) if the officer or the owner fails, without reasonable cause, to nominate a member within seven days from the date on which he may be called upon to do so, or,
- (ii) if any member, who has been nominated, neglects or refuses to act, and the officer or the owner, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called upon to do so,

the District Magistrate shall forthwith appoint a member in the place of the nominee of the officer or owner, as the case may be

29. (1) No person who has a direct interest in the matter under reference or whose services are not immediately available for the purposes of the Committee, shall be nominated or appointed a member of a Committee of Arbitration

Members of Committees of Arbitration to be persons who have no direct interest and whose services are immediately available

(2) If any person who has been nominated has, in the opinion of the District Magistrate, a direct interest in the matter under reference, or if his services are not immediately available as aforesaid, and if the officer or the owner, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called on so to do, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 28.

30. (1) When a Committee of Arbitration has been duly constituted, the Cantonment Magistrate shall by notice inform each of the members of the

Meetings and powers of Committees of Arbitration.

fact

22 *Cantonments (House-Accommodation).* [ACT II
(Chapter IV.—Committees of Arbitration.—Sec-
tions 31-34.)

fact, and the Committee shall meet as soon as may be thereafter.

(2) The Committee shall have power to receive evidence and to administer oaths to witnesses, and the Cantonment Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee, and may enforce the said processes as if they were processes for attendance or production before himself.

Powers of
chairman of
Committee
of Arbitra-
tion as to
meetings.

31. The chairman of the Committee of Arbitration shall fix the time and place of meeting, and shall have power to adjourn the meeting from time to time as may be necessary.

Calculation
of amount of
purchase
money by
Committee
of Arbitra-
tion.

32. In determining the amount of the purchase-money to be paid for a house to be sold under section 14, sub-section (2), the Committee of Arbitration convened under section 24 shall estimate the market-value of the house at the date on which the notice was served on the owner under section 6 or section 7, as the case may be.

Calculation
of rent by
Committee
of Arbitra-
tion.

33. Subject to the presumption mentioned in the first explanation to section 8, in determining the amount of monthly rent to be paid for a house, the Committee of Arbitration shall estimate the letting-value of the house, and shall have regard to, amongst other things, the circumstances of the neighbourhood and the period of time and season for which the house is likely to be occupied during the year.

Decisions of
Committees
of Arbitra-
tion.

34. (1) The decision of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the chairman and at least one of the other members are present.

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the chairman shall prevail.

(3) The decision of a Committee of Arbitration shall be final.

CHAPTER V

APPEALS

35. (1) If any owner or any tenant of a house is aggrieved by a notice issued under section 6 or section 7, he may appeal to the [1] [Officer Commanding the Division] Appeal when allowed

(2) No such appeal shall be admitted unless made within a period of twenty one days from the service of the notice aforesaid, and such period shall be computed in accordance with the provisions of the [2] Indian Limitation Act, 1877, with respect to the computation of periods of limitation thereunder

36 (1) Every petition of appeal shall be in writing and accompanied by a copy of the notice appealed against Petition of appeal

(2) Any such petition may be presented to the Cantonment Authority, and that Authority shall be bound to forward it to the [1] [Officer Commanding the Division,] and may attach thereto any report which it may desire to make in explanation of the notice appealed against

(3) If any such petition is presented direct to the [1] [Officer Commanding the Division] and an immediate order on the petition is not necessary, the [1] [Officer Commanding the Division] may refer the petition to the Cantonment Authority for report

37. The decision of the [1] [Officer Commanding the Division] on any such appeal shall be final Order on appeal final

Provided that no appeal shall be decided until the appellant has been heard or has had a reasonable opportunity of being heard

38 Where an appeal from a notice has been presented within the period prescribed by section 35, sub section (2) all action on such notice shall, on the application Suspension of action pending appeal

[1] Substituted for the words General Officer of the Command by the Amendment (Army) Act 1900 (5 of 1900) Genl. Acts Vol. VI Appendix II

[2] See now the Indian Limitation Act 1908 (9 of 1908) Genl. Acts Vol. VI

application of the appellant, be held in abeyance pending the decision of the appeal

CHAPTER VI

SUPPLEMENTAL PROVISIONS

Recovery of
rents from
military
servants in
cantonments

39. (1) If a military officer is given possession of a house in pursuance of a notice issued under section 6 or section 7, the rent payable by such officer under this Act shall be registered by the Cantonment authority in a register to be maintained in such form as the Local Government may, by [1] rule, prescribe

(2) If such officer fails, before the fifteenth day of any month, to pay the rent so registered and due from him in respect of the month immediately preceding the Cantonment Authority, if so satisfied, shall on the application of the owner made before the end of the later month, report the matter, through the proper channel, to the Officer Commanding the [] [Division]

(3) The Officer Commanding the [] [Division] may if he is satisfied that the amount claimed is still due, order that it be withheld from the salary and allowances of the defaulting officer, and, upon notice of the order to the officer whose duty it is to disburse such salary and allowances, such disbursing officer shall, unless such salary and allowances are under attachment by order of a Civil Court, withhold and remit to the Cantonment Authority, for payment to the owner, the amount specified in the order

(4) If, within two months from the date of an application made by the owner under sub-section (2)

on

[1] For rule made by the Government of Eastern Bengal and Assam, see Notification No. 1253-G dated 16th March 1903 Eastern Bengal and Assam Gazette 1903.

United Provinces see Notification 1903. United Provinces Gazette

strict by the Amending (Amend)
Act 1909 (5 of 1909) Genl. Acts Vol. VI, Appendix II

on which the Officer Commanding the [1] [Division] has made an order under sub section (3), the amount of the rent in respect of which such application and order were made is not paid to the owner, the Cantonment Magistrate shall, on the application of the owner, require the defaulting officer to vacate the house within four days, and, if such officer fails to do so, the Cantonment Magistrate shall, by himself or by another person generally or specially authorized by him in this behalf, enter on the premises and enforce the surrender of the house

40. Every notice or requisition prescribed by this Act shall be in writing, signed by the person by whom it is given or made or by his duly appointed agent, and may be served by post on the person to whom it is addressed or, in the case of an owner who is absent from the cantonment, on his agent appointed under section 226* of the [2] Cantonment Code, 1899

Service of
notice and
requisitions

41. (1) The Governor General in Council may make [3] rules to carry out the purposes and objects of this Act

Power for
Governor
General in
Council to
make rules

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) regulate the procedure of Committees of Arbitration, and

(b) define the powers of inspection and entry which may be exercised in carrying out the purposes and objects of this Act or of any rule thereunder

42 (1) The power to make rules under section 41 shall be subject to the condition of the rules being made after previous publication and of their not tak

Further
provision
respecting
rules

ing

[1] Substituted for the word District by the Amending (Army) Act 1909 (5 of 1909) Genl. Acts Vol VI Appendix II

[2] See Gazette of India 1899 Pt. I p. 477

[3] For rules made under this section as to procedure of Arbitration Committees see Genl. Stat. R. and O. Vol. III and post p. 25.

* Section 231 of the Cantonment Code 1912.

ing effect until they have been published in the Gazette of India and in such other manner (if any) as the Governor General in Council may direct

(2) Any rule under section 41 may be general for all cantonments or parts of cantonments in British India in which this Act is for the time being operative, or may be special for any of such cantonments or parts, as the Governor General in Council may direct

(3) A copy of the rules under section 41 for the time being in force in a cantonment shall be kept open to inspection free of charge at all reasonable times in the office of the Cantonment Authority

(4) In making any rule under section 41, sub-section (2) clause (b), the Governor General in Council may direct that whoever obstructs any person, not being a public servant within the meaning of section 21 of the [1] Indian Penal Code, in making any inspection or entry, shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence with fine which in addition to such fine as aforesaid may extend to five rupees for every day after the first during which such offence continues

43. No Judge or Magistrate shall be deemed, within the meaning of section 556 of the Code of [2] Criminal Procedure, 1898, to be a party to, or personally interested in any prosecution for an offence against any rule under this Act merely because he is a member of the Cantonment Committee or has ordered or approved the prosecution

44. No suit or other legal proceeding shall lie against any person for anything done, or in good faith intended to be done, under this Act or in pursuance of any lawful notice or order issued under this Act

Inappli-
 bility of
 section 556
 of the Code
 of Criminal
 Procedure
 1898, to
 trials of
 offences
 against
 rules

Protection
 to persons
 acting under
 Act

RULES MADE UNDER
THE
CANTONMENTS (HOUSE ACCOMMODATION)
ACT, 1902 (II OF 1902).

MILITARY DEPARTMENT.

CANTONMENTS

Fort William, the 16th February 1906

No 117 In exercise of the powers conferred by section 41 of the Cantonments (House Accommodation) Act, 1902 (II of 1902), the Governor General in Council is pleased to make the following rules for all cantonments or parts of cantonments in British India in which the said Act is for the time being operative —

1. Every notice prescribed by section 6 may be in the appropriate form set forth in Schedule A with such variations as the circumstances of each case require

2. Any notice required by these rules, if not served by post under section 40, may be served by any person authorised by the Cantonment Magistrate in this behalf,

(a) by giving or tendering a duly signed copy thereof to the person to whom it is addressed, or

(b) where the notice cannot be served as prescribed in clause (a), by causing it to be affixed to some conspicuous part of the house to which it relates, and by publishing it in one vernacular and one English daily newspaper

3. Every petition of appeal under section 35 shall state the grounds of appeal

4. When a Committee of Arbitration, herein after referred to as "the Committee" has been duly constituted and each of the members thereof informed by the Cantonment Magistrate of the fact, as provided in sub section (1) of section 30, the Chairman of the Committee shall, within a week from receipt of such notice, fix the time and place of meeting and give notice in writing of the same to the other members of the Committee, and, through the Cantonment Magistrate, to the parties concerned

5. The notice given to the parties under the preceding rule shall state the purpose for which the Committee will assemble and shall contain a direction to them to produce their evidence, oral and documentary, on the date fixed, or if they are unable to do so, to forward to the Chairman at least seven days prior to the day of the meeting, a list of the witnesses whom they desire to be summoned in their behalf, either to give evidence or to produce documents relating to the matter in dispute

6. On receipt of the lists of witnesses and documents, if any, the Chairman shall, if he considers the request made for the attendance of the witnesses named and the production of the documents called for to be reasonable transmit the list to the Cantonment Magistrate for issue of the necessary processes under section 30 (2) of the Act. If he considers the attendance of any witness named or the production of any document called for to be unnecessary, he shall inform the party concerned and the point whether such witness should be summoned or such document called for shall be determined by the Committee at their first meeting

7. It shall be open to the Chairman to call for the attendance of witnesses or the production of documents other than those named by the parties and to transmit a list of these to the Cantonment Magistrate for action

8. The Chairman shall record in the award the question for decision, the number of the Station Order convening the Committee the names and status of the members thereof, and the decision arrived at. The award shall be signed by the Chairman, and shall be forwarded by him in duplicate to the Cantonment Magistrate for disposal

9. The Committee shall have power to correct any clerical mistake or error in their award which may have arisen from any accidental slip or omission

10. The Committee or any of their number or any person especially authorised by them in this behalf,

hall, may enter into or on any building or land, which is the subject of arbitration, and may make such inspection, aided, if required, by expert evidence, as they may think fit

11. Every requisition for reference of any question to a Committee of Arbitration shall set forth the grounds upon which the applicant relies

12. Where any member of the Committee of Arbitration dies or becomes incapable of acting, the officer or owner, as the case may be, who nominated him shall nominate another person in his place within seven days from the date on which he is called upon to do so, and, if he fails to do so, the District Magistrate shall forthwith appoint a member in his place

13. The parties shall be entitled to appear at and be heard at the meetings of the Committee of Arbitration, or at the hearing of appeals under Chapter V, either in person or through duly qualified pleaders

14. The Chairman shall furnish a copy of the award to each of the parties free of charge and shall then forward the original to the Cantonment Magistrate

15. The powers of entry conferred by section 13 and section 39, sub section (4) and the powers of entry and inspection conferred by rule 10 shall only be exercised between sunrise and sunset

Provided that—

- (1) no building or land which may be occupied at the time shall be entered, unless with the consent of occupier thereof, without twenty-four hours' written notice having been given to the said occupier,
- (2) when any building used as a human dwelling is entered due regard shall be paid to the social and religious sentiments of the occupiers, and no apartment in the actual occupancy of a woman shall be entered until she has been informed that she is at liberty to withdraw, and every reasonable

reasonable facility has been afforded to her for withdrawing

16. No person in military employ below the rank of Non-Commissioned Officer shall be authorised under the provisions of section 13 or 39, sub section (4), or of rule 10

17. Whoever obstructs any person authorised to inspect or enter a house, such person not being a public servant within the meaning of section 21 of the Indian Penal Code, shall be punishable with fine, which may extend to Rs 50, and, in the case of a continuing offence, with fine which in addition to such fine as aforesaid may extend to five rupees for every day after the first during which such offence continues

SCHEDULE A.

FORM I.

Notice to owner under section 6 of the Cantonments (House-Accommodation) Act, 1902 (II of 1902).

To

Whereas an application has been made to the Cantonment Authority of _____ by _____ Commanding Officer of the _____ regiment under section 8 of the Cantonments (House-Accommodation) Act, 1902 (II of 1902), for appropriation of the house No. _____ situated at _____ within the Cantonment of _____

for occupation by _____. And whereas it appears to the satisfaction of the said Cantonment Authority that the said house should be appropriated for the above purpose —This is to require you to let the said house to the said _____ from the _____ day of _____ 19____. And take notice that Rs _____ is the amount of monthly rent proposed as reasonable for the said house, and that, unless you give effect to the above requisition within the time aforesaid (or apply for a reference to arbitration under section 18 of the said Act), the Cantonment Authority will proceed to enforce it under the provisions of the said Act

Dated at _____ this _____ day of 19____

(Signed)

Cantonment Authority

FORM II.

Notice to occupier under section 6 of the Cantonments (House-Accommodation) Act, 1902 (II of 1902).

To

Whereas an application has been made to the Cantonment Authority of _____ by _____ Commanding officer of the _____ regiment under section 8 of the Cantonments (House-Accommodation) Act, 1902 (II of 1902), for appropriation of the house No. _____ within the Cantonment of _____ for occupation by _____. And whereas it appears to the satisfaction of the said Cantonment Authority that the said house

34 *Rules made under the Cantonments (House
Accommodation) Act, 1902*

house should be appropriated for the above purpose —This
is to require you to vacate the said house on or before the
day of 19 And take
notice that unless you give effect to the above requisition
within the time aforesaid, the Cantonment Authority will
proceed to enforce such requisition under the provisions of
the said Act

Dated at

the

19

(Signed)

Cantonment Authority

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CANTONMENTS HOUSE-ACCOMMODATION
ACT, 1902 (II OF 1902)

(AS MODIFIED UP TO 1ST JUNE 1910)

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THE
CANTONMENTS ACT, 1910
(XV of 1910).

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THE CANTONMENTS ACT, 1910

(ACT XV OF 1910).

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THE CANTONMENTS ACT, 1910

(XV OF 1910).

An Act to consolidate and amend certain Acts relating to Cantonments.

WHEREAS it is expedient to consolidate and amend certain Acts relating to cantonments; It is hereby enacted as follows:—

CHAPTER I. PRELIMINARY.

1. (1) This Act may be called the Cantonments Act, 1910.¹ Short title and extent

(2) It extends to the whole of British India.²

¹ The Act which eventually was passed as the present Act relating to Cantonments was originally introduced as a Bill to amend Act XIII of 1889 for the purpose of substituting a new sub-section 2 to s. 17 (see now s. 15 of Act XV of 1910) of that Act and a verbal amendment in cl. (17) of s. 26, the Select Committee on the Bill recommended that the Acts relating to Canton-

This recommendation was accepted and resulted in the present Act. This Act consolidates the law contained in Act XIII of 1889 with the amendments made therein by the following Acts, namely—(1) Act I of 1891, (2) XII of 1891, (3) XII of 1896, (4) XV of 1897, (5) V of 1898, (6) I of 1903, and (7) V of 1909.

For Statement of Objects and Reasons to the Act as described above, see Gazette of India, 1910, Pt. V, p. 120 and post, App. A. For Report of Select Committee with consolidating Bill, see *ibid*, Pt. IV, p. 73 and post, App. A. For Proceedings in Council, see *ibid*, Pt. VI, pp. 3 and 13.

For Statement of Objects and Reasons relating to Act XIII of 1889 on which Act XV of 1910 is chiefly based, see App. B, post, p. 60. For the Select Committee's Report, see *ibid*, post, p. 62. For the Proceedings in Council, see Gazette of India, Pt. VI, 1888, pp. 103, 136, 1889, pp. 119, 139, 153, 163, 165. These, however, cannot be referred to for the purposes of judicially construing the provisions of the Act—see the judgment of the Privy Council in *Administrator General of Bengal v. Premal Mullick* (1895), L. R. 22 I. A. 701, at p. 714, and *L. R. 22 I. A.*, at pp. 738, 739.

² By the operation of certain special enactments, however, the Act does not extend to British Baluchistan, the Santhal Parganas, Angul, the Chittagong Hill Tracts, the Pargana of Spiti, the Bhan States and Upper Tanawal in the Hazara District, these tracts are known as "deregulation districts."

The Act has been applied, with the necessary modifications, to the following cantonments in Native States in India by the Governor General in Council by notification in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902 (to the Cantonments of Bhu) and Deesa by the Government of Bombay in Council in exercise of powers delegated by the Governor General in Council)

Barda (Barda) see Gazette of India, Pt. I, 1911, p. 478
 Pithor (Kutch) — Bombay Government Gazette, 1911, Pt. I, p. 48.
 Deesa (Palanpur) —
 Deesa (Mewar) — Gazette of India, Pt. I, 1911, p. 324.

* V.B.—The notification here referred to (No. 99-J., dated 12th June 1907) applied to the Cantonment of Bhu. All laws and regulations that are now or may hereafter be in force in Ajmer and Merwara. As the Cantonments Act, 1910, extends to Ajmer and Merwara as part of British India, it therefore applies to them also.

(Chapter I.—Preliminary.—Section 2.)

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "officer" means—

(i) a person who, being an officer within the meaning of the Army Act,¹ is commissioned and in pay as an officer doing military duty with His Majesty's regular forces² as defined in that Act or as an officer doing such duty in any arm, branch or part of those forces; and

(ii) a person doing military duty as a warrant officer with those forces or with any arm, branch or part thereof, whether he is or is not an officer within the meaning of the Army Act¹

(b) "soldier"³ means a person who is a soldier of His Majesty's regular forces within the

Mhow (Indore)
Neemuch (Gwalior)
Nowgong (Chhatarpur) — } see Gazette of India, Pt I, 1911, p 337
Secunderabad (incl. site of Bolaram and Aurangabad (Hyderabad) — " " " 1911 p 338
The Baluchistan Agency territories " " " 1911, p 337.

¹ The short title of 44 & 45 Vict., c 58, was originally "The Army Act, 1881," but the figures "1881" were dispensed with by the Army (Annual) Act, 1890 (53 Vict., c 4), and the short title is now simply "The Army Act."

The expression "officer" is defined by s 190 (4) of the Army Act as meaning "an officer commissioned or in pay as an officer in His Majesty's forces, or any arm, branch or part thereof, it also includes a person who, by virtue of his commission, is appointed to any department, or corps, of His Majesty's forces, or of any arm, branch or part thereof, it also includes a person, whether retired or not, who, by virtue of his commission or otherwise, is legally entitled to the style and rank of an officer of His Majesty's said forces, or of any arm, branch or part thereof." Warrant and other officers holding honorary commissions are officers within the meaning of this Act, subject to the exceptions in this Act mentioned. As to the "exceptions" referred to, see s 182 of the Army Act.

² The expressions "regular forces" and "His Majesty's regular forces" are defined by s 190 (8) of the Army Act [as amended by 9 Edw 7, c 3, s 10 (2)] as meaning "officers and soldiers, who by their commission, terms of enlistment, or otherwise, are liable to render continuously for a term military service to His Majesty in any part of the world, including soldiers of the reserve forces when called out on permanent service and including, subject to the modifications in this Act mentioned the Royal Marines and His Majesty's Indian forces, and the Royal Malta Artillery." For the "modifications" referred to, see ss 179 (Royal Marines) and 180 (His Majesty's Indian forces). The expression "reserve forces" means—see s 190 (9)—"the army reserve force and the militia reserve force."

³ The expression "soldier" is defined by s 190 (6) of the Army Act as not including "an officer as defined by this Act, but, with the modifications in this Act contained in relation to warrant officers and non-commissioned officers" as including "a warrant officer not having an honorary commission

(Chapter II—Cantonments and Cantonment Authorities, Courts and Police—Section 3)

meaning of the Army Act, and is not an officer within the meaning of this Act:

- (c) "spirituous liquor" means any fermented liquor, any wine, any alcoholic liquid obtained by distillation, and the sap of any kind of palm tree, and includes any other liquid consisting of or containing alcohol which the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette declare to be a spirituous liquor for the purposes of this Act
- (d) "intoxicating drug" means opium, ganja, bhang, charas and every preparation and admixture thereof, and includes any other intoxicating substance or liquid which the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare to be an intoxicating drug for the purposes of this Act and
- (e) "owner" includes the person who is receiving or entitled to receive the rent of any building or land, whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant

CHAPTER II

CANTONMENTS AND CANTONMENT AUTHORITIES, COURTS AND POLICE Cantonments

3. (1) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare any place in which any of His Majesty's regular forces are

and a non-commissioned officer and every person subject to military law during the time that he is so subject. For the modifications referred to see ss 152 (warrant officers) and 153 (non-commissioned officers). The expression "subject to military law" is defined by ss 175-177 of the Army Act as amended by 9 Edw. 7 c. 3.

Definition of
cantonment's.

(Chapter II—Cantonment and Cantonment Authorities—Classes, Powers and Police—Sections 4 to 11)

quintennial within the territories administered by such authority as the Government may think fit for the purposes of this Act and in all other circumstances for the time being in force.

(2) The Local Government with the like sanction may also by a notification fix the limits of any cantonment for the time purposes.

(Section 4—Cantonment and Magistrate)

(1) For every cantonment beyond the limits of a presidency town there shall be a cantonment authority and a cantonment Magistrate.

(2) The cantonment authority shall be a body of not more than five members appointed by the Local Government and shall be a body of not more than five members of the Local Government or of persons of whom one or more may be officers of the Government. The authority shall be a body of not more than five members of the Local Government or of persons of whom one or more may be officers of the Government. The authority shall be a body of not more than five members of the Local Government or of persons of whom one or more may be officers of the Government.

(3) The Local Government shall determine with respect to the cantonment whether or not a cantonment authority shall be constituted.

(4) The cantonment authority shall be deemed to be a local authority for the purposes of the Act.

(5) The cantonment authority shall be deemed to be a local authority for the purposes of the Act.

(6) The cantonment authority shall be deemed to be a local authority for the purposes of the Act.

(7) The cantonment authority shall be deemed to be a local authority for the purposes of the Act.

(8) The cantonment authority shall be deemed to be a local authority for the purposes of the Act.

(9) The cantonment authority shall be deemed to be a local authority for the purposes of the Act.

(10) The cantonment authority shall be deemed to be a local authority for the purposes of the Act.

(11) The cantonment authority shall be deemed to be a local authority for the purposes of the Act.

(12) The cantonment authority shall be deemed to be a local authority for the purposes of the Act.

(13) The cantonment authority shall be deemed to be a local authority for the purposes of the Act.

(14) The cantonment authority shall be deemed to be a local authority for the purposes of the Act.

(Chapter II.—Cantonments and Cantonment Authorities, Courts and Police.—Section 7.)

12¹ of the Code of Criminal Procedure, 1898, and, as such, subordinate to the District Magistrate or to the District Magistrate and the Sub-Divisional Magistrate as the case may be, under section 17² of that Code.

Cantonment Court of Small Causes.

7. (1) When the Local Government appoints the Cantonment Magistrate to be the Judge of a Court of Small Causes established within a cantonment under the Provincial Small Cause Courts Act, 1887, it shall, in its order appointing him to be such Judge, declare, and may by notification in the official Gazette vary, within a limit of five hundred rupees, the value of the suits which are to be cognizable by him under that Act.

(2) The provisions of section 15, sub section (3), of the said Act³ shall not apply to a Court of Small

Appointment of Cantonment Magistrate as Judge of Cantonment Court of Small Causes

Act XIII of 1885, s 3 (7) — Local authority " means any municipal committee, district board, body of port commissioners, or other authority legally entitled to, or entrusted by the Government with the control or management of any municipal or local fund

Act X of 1897, s 3 (28)—" Local authority " shall mean a municipal committee, district board, body of port commissioners, or other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund

¹ The section provides as follows —

² 12. (1) The Local Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second, or

" (2) Except as otherwise provided by such definition, the jurisdiction and power of such persons shall extend throughout such district."

³ The section provides as follows :—

" 17. (1) All Magistrates appointed under sections 12, 13 and 14 . . . shall be subordinate to the District Magistrate, and he may from time to time, make rules or give special orders, consistent with this Code, as to the distribution of business among such Magistrates . . . and

" (2) Every Magistrate (other than a Sub-divisional Magistrate) . . . shall also be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate."

⁴ S. 15 (3) of the Provincial Small Cause Courts Act, 1887 (IX of 1887), provides that, subject to the earlier provisions, which except certain suits from the cognizance of Courts of Small Causes, the Local Government may, by order in writing, direct that all suits of a civil nature of which the value does not exceed one thousand rupees, shall be cognizable by a Court of Small Causes mentioned in the order

(Chapter II.—Cantonments and Cantonment Authorities, Courts and Police—Sections 8-10.)

Causes of which a Cantonment Magistrate is the Judge.

Appointment
of Additional
Judge of
Cantonment
Court of
Small Causes

8. When the Local Government appoints an Additional Judge of a Court of Small Causes, of which a Cantonment Magistrate is the Judge, it shall, in its order appointing him to be such Additional Judge, declare, and may by notification in the official Gazette vary, within a limit of fifty rupees, the value of the suits with respect to which the functions of the Judge of the Court may be assigned to, and discharged by, the Additional Judge under section 8¹ of the Provincial Small Cause Courts Act, 1887

IX of 1887.

Continuance
of jurisdiction
of Cantonment
Court of
Small Causes
in certain
cases not
withstanding
reduction of
jurisdiction
of Judge

9. A Cantonment Magistrate as Judge of a Court of Small Causes may, whatever may be the value of the suits cognizable by him as such Judge, dispose of any suit which was within the pecuniary limits of the jurisdiction of the Judge presiding over the Court at the time of the institution of the suit, and may entertain and dispose of any proceeding after decree in any such suit

Cantonment Police.

Police

10. (1) The police force employed in a cantonment beyond the limits of a presidency-town shall, for the purposes of the Madras District Police Act, 1859, or the Police Act, 1861, or the Bombay District Police Act, 1890, as the case may be, be deemed to be part of the general police establishment under the superintendence of the Local Government in whose territories the cantonment is situated.

XIV of
1859,
V of 1861,
Dom IV of
1890

¹ s. 8 of the Provincial Small Cause Courts Act, 1887 (IX of 1887), provides as follows —

"B. (1) The Local Government with the previous sanction of the Governor General in Council may, by order in writing, appoint an Additional Judge of a Court of Small Causes or of two or more such Courts

"(2) The Additional Judge shall discharge such of the functions of the Judge of the Court or Courts as the Judge may assign to him, and in the discharge of those functions shall exercise the same powers as the Judge

"(3) The Judge may withdraw from the Additional Judge any business pending before him

"(4) When the Judge is absent, the Additional Judge may discharge all or any of the functions of the Judge"

(Chapter III—*Spiruous Liquors and Intoxicating Drugs—Sections 11-12*)

(2) The area comprised within the limits of a cantonment shall be deemed to be a town for the purposes of section 34¹ of the Police Act, 1861.

CHAPTER III

SPIRITUOUS LIQUORS AND INTOXICATING DRUGS

11. If within a cantonment, or within such limits around a cantonment as the Local Government may, by notification in the official Gazette, prescribe in this behalf, any person not subject to military law or any person subject to military law otherwise than as an officer or soldier knowingly barter, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or follower or soldier's wife, without the written permission of the commanding officer of the cantonment or of some person authorised by the commanding officer to grant such permission, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both

Unauthorised
sale of spirit-
uous liquor
or intoxicat-
ing drug

12. If within a cantonment, or within such limits around a cantonment as the Local Government may, by notification in the official Gazette, prescribe in this behalf,—

Unauthorised
possession of
spirituous
liquor

(a) any person subject to military law otherwise than as an officer or soldier, or

(b) the wife or servant of any such person or of a soldier,

has in his or her possession except on behalf of the Government or for the private use of an officer more than one quart of any spirituous liquor other than fermented malt-liquor without the written permission

¹ S. 34 as amended by the Police Act (1861) Amendment Act 189, (VIII of 1895) provides for the punishment of any person who commits 'any of certain offences' on any road, open place or street or thoroughfare within the limits of any town to which this section shall be specially extended by the Local Government.

(Chapter III.—*Spirituous Liquors and Intoxicating Drugs.*—Sections 13-14.)

of the commanding officer of the cantonment or of some person authorised by the commanding officer to grant such permission, he or she shall be punishable in the case of a first offence against this section with fine which may extend to fifty rupees, and in the case of a subsequent offence against this section with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to three months.

Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections

13. (1) Any police officer or *excise officer* may, without an order from a Magistrate and without a warrant, arrest any person whom he finds committing an offence against section 11 or section 12, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed, and any vessels or coverings in which the liquor or drug is contained.

(2) Where a person accused of an offence against section 11 has been previously convicted of an offence against that section, an officer in charge of a police station may, with the written permission of a Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment, or within the limits prescribed under section 11, which at the time of the alleged commission of the subsequent offence belonged to, or was in the possession of, the person.

(3) The Court convicting a person of an offence against section 11 or section 12 may order the confiscation of the whole or any part of any thing seized under sub-section (1) or sub-section (2).

(4) Subject to the provisions of Chapter XLIII of the Code of Criminal Procedure, 1898, anything seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken. V of 1898

Having of articles sold or supplied

14. The foregoing provisions of this Chapter shall not apply to the sale or supply of any article for

¹ Chapter XLIII of the Code of Criminal Procedure, 1898 (Act V of 1898), provides for the disposal of property connected with offences or the trial of offences

(Chapter IV—*Taxation and Cantonment Fund.*—
Sections 15-16.)

medicinal purposes by a medical practitioner, chemist ^{for medicinal purposes}
or druggist

CHAPTER IV.

TAXATION AND CANTONMENT FUND

Taxation

15. (1) With the previous sanction of the Gov- ^{General}
ernor General in Council, the Local Government may, ^{power of}
by notification in the official Gazette, — ^{taxation}

(a) impose in any cantonment which is not included in a municipality any tax which, under any enactment in force at the date of the notification, can be imposed in any municipality within the territories administered by such Government, and

(b) abolish or modify any tax so imposed

(2) When any tax is leviable in a cantonment in pursuance of a notification under sub-section (1), the Local Government, subject to the like sanction, may, by a like notification, apply or adapt to the cantonment the provisions of any enactment or rules in force at the date of the notification in any municipality within the territories administered by such Government relating to—

(a) the assessment, collection or recovery of any tax;

(b) the refund or revision of, or exemption from, any such tax; and

(c) the punishment of any breach of such enactment or rules

16. (1) The Local Government may, by notification in the official Gazette, extend the provisions of the 'Bengal Chaukidari Act, 1856, to any canton- ^{Extension of Act XX of 1856 to certain cantonments.}

¹ Act XX of 1856 as amended by Act XXII of 1871 provides for the appointment and maintenance of police chaukidars in cities towns stations suburbs and bazars in the Presidency of Fort William in Bengal. It is now in force in certain places in the United Provinces of Agra and Oudh, the Punjab and Ajmere.

(Chapter IV—Taxation and Cantonment Fund.—
Section 19)

persons convicted of offences committed within the cantonment against this Act or against any enactment extended or rule made thereunder, or against the provisions of 'section 34 of the Police Act, 1861, or the corresponding enactment² for the time being in force in the territories administered by the Governor of Fort St George in Council or by the Governor of Bombay in Council, or against the provisions of 'Chapter XIII or Chapter XIV of the Indian Penal Code or of 'section 156 of the Army Act;

of 1861

XIV of 1860
44 & 45 Vict.,
c 58

(b) the proceeds of taxes imposed under section 15 or levied under the Bengal Chaukidari Act, 1856, in the cantonment; and

of 1856

(c) rents and profits accruing from property placed by the Government under the management of the cantonment authority.

(e) Notwithstanding anything in any enactment as to the purposes to which the proceeds of a tax are to be appropriated, the cantonment fund shall be applicable, subject to the rules under this Act, to the maintenance of the police force employed in the cantonment and to the other purposes of this Act within the cantonment and, with the general or special sanction of the Local Government, to like objects within or without British India, beyond the limits of the cantonment in cases in which, in the opinion of the Local Government, the application of the fund beyond those limits is for the benefit of the inhabitants of the cantonment or of any military force ordinarily

¹ S 34 as amended by the Police Act (1861) Amendment Act 1895 (VIII of 1895), provides for the punishment of any person who commits any of certain offences "on any road open place or street or thoroughfare within the limits of any town to which this section shall be specially extended by the Local Government."

² For the corresponding enactments referred to, see Act XXIV of 1853 and Bombay Acts VII of 1857 and IV of 1890.

³ Chapters XIII and XIV of the Indian Penal Code (Act XLV of 1860) deal respectively with offences relating to weights and measures and with offences affecting the public health safety convenience, decency and morals.

⁴ S 156 of the Army Act (44 & 45 Vict., c 58) penalizes the purchase from soldiers of regimental necessaries equipments, stores, etc.

*(Chapter IV.—Taxation and Cantonment Fund.—
Sections 20-22. Chapter V.—Supplemental Pro-
visions—Section 23.)*

quartered therein or of any detachment of any such force.

20. (1) Where, in or near a cantonment, there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the cantonment fund shall be kept in the treasury, sub-treasury or bank. Custody of
cantonment
fund.

(2) Where there is no such treasury, sub-treasury or bank, the cantonment fund may be deposited with any banker or person, acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the District Magistrate may in each case think sufficient.

21. The cantonment fund shall be vested in His Majesty, and, subject to the provisions of this Act and of the rules thereunder and to the control of the Local Government, the management of the fund shall be entrusted to the cantonment authority. Vesting and
management
of cantonment
fund

22. The cantonment fund shall be deemed to be "public revenues" within the meaning of the proviso to section 6 of the Land Acquisition Act, 1894, and any property acquired at the cost of the cantonment fund shall vest in His Majesty. Acquisition of
immovable
property at
cost of
cantonment
fund.

CHAPTER V.

SUPPLEMENTAL PROVISIONS.

23. The Governor General in Council may, by notification in the Gazette of India, extend to all cantonments or to any cantonment or to any part of any cantonment any enactment for the time being in force in any municipality in British India, and declare its extension to be subject to such restrictions and modifications, if any, as he thinks fit. Extension of
enactments
to canton-
ments.

¹ See the Government of India Act, 1858 (21 & 22 Vict., c 106), s 40, under which the revenues of British India vest in His Majesty

(Chapter I —Supplemental Provisions—Section 24)

Matters
respecting
which rules
may be made

24. The Governor General in Council may make rules¹ consistent with this Act to provide for all or any of the following matters, namely —

- (1) the manner in which, and the authority to which, application for permission to occupy land belonging to the Government in a cantonment is to be made,
- (2) the conditions to be annexed to every such permission given in pursuance of such an application,
- (3) the preparation and maintenance of registers of immovable property in cantonments,
- (4) the constitution of cantonment committees, the functions to be discharged by them, the conduct of and the control to be exercised over, their proceedings, and the division of duties among the members of such committees,
- (5) the functions to be discharged by the commanding officer of a cantonment where a cantonment committee has not been constituted, or has in pursuance of an order of the Local Government ceased to exist or for any reason cannot be convened,
- (6) the executive duties of the Cantonment Magistrate and his position in relation to the commanding officer of the cantonment,
- (7) the purposes to which the cantonment fund may be applied,
- (8) the authority on which money may be paid from the cantonment fund,
- (9) the investment of any balance of that fund,
- (10) the execution of contracts by, or on behalf of, the cantonment authority,
- (11) the accounts to be kept by the cantonment authority, and the manner in which those accounts are to be audited and published

¹ A comprehensive Code of rules has been framed under this section and issued in combination with certain enactments applied in exercise of the powers conferred by section 23 above. See *post* p. 71 and foot note on p. 83

(Chapter V—Supplemental Provisions—Section 24)

- (12) the definition and abatement of nuisances for which sufficient provision has not, in the opinion of the Governor General in Council, been made under section 23,
- (13) the requisitions which may be made on persons having the control of sewers, drains latrines or other things creating, or likely to create nuisances and the mode of enforcing such requisitions,
- (14) the prevention of the overcrowding of buildings and places in a cantonment,
- (15) the construction and maintenance, to the satisfaction of the cantonment authority, of buildings and of boundary walls, hedges and other fences,
- (16) the regulation of the practice of agriculture and irrigation in a cantonment, the keeping of lands therein in proper order, and the felling lopping and trimming of trees on such lands,
- (17) the regulation of encamping grounds, sarais markets and slaughter houses, of traffic on roads and across unenclosed spaces under the control of the cantonment authority, and of processions and public assemblies
- (18) the use and management of burial and burning grounds,
- (19) the supervision and the regulation of the use of public wells, tanks, rivers, streams, springs or other sources from which water is or may be made available for public use, and of the lands in the vicinity thereof,
- (20) the parts of a cantonment in which persons practising any profession or carrying on any trade, calling or occupation, may be required to reside for the purpose of practising the profession or carrying on the trade, calling or occupation, and the conditions, if any, to be observed by such persons
- (21) the prevention of the spread of infectious or contagious disorders within a cantonment

(Chapter V—Supplemental Provisions—Section 24)

and the appointment and regulation of hospitals or other places within or without a cantonment for the reception and treatment of persons suffering from any disease

(22) the segregation in, or the removal and exclusion from a cantonment, or the destruction of animals suffering or supposed to be suffering from any infectious or contagious disease,

(23) the suppression of mendicancy and of loitering or importuning for the purpose of prostitution and the removal and exclusion from a cantonment of disorderly persons, of persons who have been convicted of any offence against Chapter XVII of the Indian Penal Code or section 156 of the Army Act or have been ordered under the Code of Criminal Procedure, 1898, to execute a bond for their good behaviour, and of persons whom the commanding officer deems it expedient to exclude from the cantonment with or without assigning any reason for excluding them therefrom,

(24) the prevention of cruelty to animals and the care of animals while grazing,

(25) the prevention and extinction of fires,

(26) the registration of births and deaths,

(27) the appointment by owners of buildings and lands in cantonments, who are absent from cantonments, of persons residing within or near cantonments, to act as their agents for all or any of the purposes of this Act or any enactment extended or rule made thereunder,

(28) the powers of inspection, entry and search which may be exercised in carrying out any

¹ Chapter XVII of the Indian Penal Code (Act XIV of 1860) deals with offences against property

² See foot note to s 2 ante p 44 As to s 156 of the Army Act see foot note to s 19 (1) of this Act ante p 53

³ See Chapter VIII of the Code of Criminal Procedure 1898 (Act V of 1898)

XIV of
1860
44 & 45 V
c 58
V of 1898

(Chapter V—Supplemental Provisions.—Section 25.)

of those purposes, and the cases in which breaches of enactments extended or rules made under this Act are to be cognizable offences;

(29) the mode in which summonses, notices, requisitions and other documents are to be served on the persons to whom they are addressed;

(30) the cases, authorities and conditions in, to and on which executive orders passed under this Act or any enactment extended or rule made thereunder may be appealed from; and,

(31) generally, the carrying out of the purposes of this Act.

25. (1) The power to make rules under section 24 is subject to the condition of the rules being made after previous publication and of their not taking effect until they have been published in the Gazette of India and in such other manner as the Governor General in Council prescribes.

Supplemental provisions respecting rules.

(2) A rule under section 24 may be general for all cantonments in British India or for all cantonments not expressly excepted from its operation, or may be

thereby,
(2) the publication shall be made in such manner as that authority

(3)

(4)

where the rules or bye laws are to be made with the sanction,

have been made in exercise of a power to make rules or bye laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made "

(Chapter V—Supplemental Provisions—
Sections 26-27)

special for the whole or any part of any one or more than one cantonment, as the Governor General in Council directs

(3) A copy of the rules for the time being in force in a cantonment shall be kept open to inspection free of charge at all reasonable times in the office of the Cantonment Magistrate

(4) In making any rule under clause (12) or any of the following clauses of section 24, the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days and, when the breach is a continuing breach with fine which in addition to such fine or imprisonment as aforesaid may extend to five rupees for every day after the first during which the breach continues

26 The Local Government may by notification in the official Gazette and subject to any conditions as to compensation or otherwise which it may see fit to impose extend to any area beyond a cantonment and in the vicinity thereof—

(a) any enactment which, with or without restriction or modification, has been extended to the cantonment or any part thereof under section 23, or

(b) any rule in force in the cantonment or any part thereof under clause (12) or any of the following clauses of section 24, as well as any direction there in force under sub section (4) of section 25,

and the enactment, rule or direction specified in the notifications shall so long as the notification remains uncanceled, apply to that area as if the area were included in the cantonment

27. Where a cantonment is situated within the limits of a presidency town, the functions assigned to

¹ As to continuing breaches see *In re Laxibai Tulseram* (1896) 1 L R 22 Bom 766 and *Queen Empress v. William H. Langer* (1897) 11 R 22 Bom 241

² See footnote to s. 4 p. 46

Extension of
certain enact-
ments and
rules to places
beyond can-
tonments

Cantonments
in presidency
towns

(Chapter V—Supplemental Provisions—Sections
28-29)

any authority by this Act or any enactment extended or rule made thereunder shall, subject to the provisions of any enactment for the time being in force, be discharged by such authority as the Local Government may appoint in this behalf

28. A suit or prosecution shall not be entertained in any Court against any cantonment authority, authority appointed under section 27, Cantonment Magistrate or commanding, medical or other officer for anything in 'good faith done or purporting to be done in pursuance of powers conferred by or under this Act on such authority, Magistrate or officer, whether the thing done was or was not authorised by the powers so conferred

Protection of
cantonment
authority,
magistrate
and command-
ing officer

29. (1) ²Section 54, paragraphs 2 and 3, and sections 59, 107 and 123 of the Transfer of Property Act, 1882, with respect to the transfer of property by

Registration

¹ Under s 3 (7) of the General Clauses Act 1897 (V of 1897), a thing shall be deemed to be done in good faith where it is in fact done honestly, whether it is done negligently or not

² S. 1 of the Transfer of Property Act 1882 (IV of 1882) provides that

wards a mortgage can be effected only by a registered instrument signed by the mortgagor and attested by at least two witnesses

'Where the principal money secured is less than one hundred rupees a mortgage may be effected either by a registered instrument signed and attested as aforesaid or (except in the case of a simple mortgage) by delivery of the property

'Nothing in this section shall be deemed to render invalid mortgages made in the towns of Calcutta Madras Bombay, Karachi Pangoon Moulmein Bassein and Akyab by delivery to a creditor or his agent of documents of title to immoveable property with intent to create a security thereon.

'107 A lease of immoveable property from year to year or for any term exceeding one year or reserving a yearly rent can be made only by a registered instrument

(Chapter V—Supplemental Provisions.—Section 29.)

registered instrument, shall, on and from the commencement of this Act, extend to every cantonment in British India.

(2) Where a cantonment has not been constituted a sub district or district for the purposes of the 'Indian Registration Act, 1908, under section 9 of that Act, XVI of 1908 the Registrar of the district in which the cantonment is situated shall cause a copy of such entries in Indexes Nos. I and II as relate to immoveable property within the limits of the cantonment to be forwarded to the Cantonment Magistrate annually or at such shorter intervals as the Local Government may prescribe.

All other leases of immoveable property may be made either by a registered instrument or by oral agreement accompanied by delivery of possession

Provided that the Local Government may, with the previous sanction of the Governor General in Council from time to time by notification in the local official gazette direct that leases of immoveable property other than leases from year to year, or for any term exceeding one year, or reserving a yearly rent, or any class of such leases, may be made by unregistered instrument or by oral agreement without delivery of possession

123 For the purpose of making a gift of immoveable property, the transfer must be effected by a registered instrument signed by or on behalf of the donor, and attested by at least two witnesses

For the purposes of making a gift of moveable property, the transfer may be effected either by a registered instrument signed as aforesaid or by delivery

Such delivery may be made in the same way as goods sold may be delivered

'S 9 of the Indian Registration Act, 1908 (XVI of 1908), provides as follows —

9 Every military cantonment may (if the Local Government so directs) be, for the purposes of this Act, a sub district or district, and the Cantonment Magistrate shall be the Sub Registrar or the Registrar of such sub district or district, as the case may be

'As to the nature of these Indexes, see s 55 of the Indian Registration Act, 1908 (XVI of 1908)

The section in question is as follows —

'55 (1) Four such indexes shall be made in all registration offices, and shall be named, respectively, Index No I, Index No II, Index No III and Index No IV

(2) Index No I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No 1

(3) Index No II shall contain such particulars mentioned in s 21 re
as the Inspector General

additions of all persons
Book No 3, and of the
under and after the death
mes and additions of all

additions of all persons
ry document entered in
Book No 4

(6) Each index shall contain such other particulars, and shall be prepared in such form as the Inspector General from time to time directs "

(Chapter V—*Supplemental Provisions*—Section 30
Chapter VI—*Repeals and Savings*—Sections 31-32)

30. The Governor General in Council may, by notification in the Gazette of India, exclude from the operation of the whole or any part of this Act the whole or any part of any cantonment

Limitation of the operation of this Act

CHAPTER VI

REPEALS AND SAVINGS

31. The enactments mentioned in the Schedule are repealed to the extent specified in the fourth column thereof

Repeals

32 All licenses and permits given under the Cantonments Act, 1889, or under any enactment repealed by that Act, and in force at the commencement of this Act, shall be deemed to have been given under this Act

Savings

THE SCHEDULE.
ENACTMENTS REPEALED

See section 31.

Year	No.	Short Title	Extent of repeal
1	2	3	4
1869	XIII	The Cantonments Act, 1869	So much as has not been repealed.
1891	I	The Cattle-trespass Act, (1871, Amendment Act, 1891)	Section II
	XII	The Amending Act, 1891	So much of Part I of the Second Schedule as relates to the Cantonments Act, 1869.
1896	XII	The Excise Act, 1896	So much of the Schedule as relates to the Cantonments Act, 1869.
1897	XV	The Cantonments Act, 1897	The whole
1898	V	The Code of Criminal Procedure, 1898	So much of Schedule I as relates to the Cantonments Act, 1869.
1903	I	The Repealing and Amending Act, 1903	So much of Part II of the Second Schedule as relates to the Cantonments Act, 1869.
1909	V	The Amending (Army) Act, 1909	So much of the Schedule as relates to the Cantonments Act, 1869.

APPENDIX A.

STATEMENT OF OBJECTS AND REASONS

In applying or adapting to a cantonment, under section 17, sub section (3), Section 17, of the Cantonments Act, 1889, any enactment or rules in force in a municipality for the assessment and recovery of a tax, any provision in the same of a breach thereof, cannot, however, a provision has now to be separately has therefore been considered desirable above sub section, so as to cover the or enactment

Further it has been found necessary to provide against the creation of short cuts and the establishment of rights of way across parade grounds, regimental recreation grounds, ornamental plots and other grass lands, as also unenclosed spaces near barracks in Cantonments Section 26 sub-section (17)

It has been found that no legal power at present exists to prevent these cart wheels and fouled with the droppings of the appearance of the Cantonment, some danger to health and the general regulate traffic across unenclosed spaces under the control of the Cantonment authority

It is intended that a notification of prohibition of thoroughfare, where it is found necessary to restrict traffic, shall be conspicuously placed by the Cantonment authority so that persons found disregarding the warning might be dealt with under the power now sought

O M CREAGH

The 16th July 1910

CANTONMENTS CONSOLIDATING BILL—SELECT COMMITTEE REPORT

We the Select Committee to which the Bill 1889, was referred, have considered and submit this our report with a consolidated Bill in place of the original amending Bill

It has been deemed advantageous for the consolidation of the principal and amending Acts. We have accordingly prepared a consolidating Bill which repeals the Cantonments Act, 1889, with its amending enactments, and reproduces the law as contained therein with the amendments proposed in the Bill as introduced

3 The alterations which we suggest in the existing Act are as follows. They make no change in the law

Section 1 (3)—Omitted as surplusage. The Bill if passed will come into force at once

Section 2—Reproduced by clauses 31 and 32 in a shortened form, regard being had to sections 8 and 24 of the General Clauses Act, 1897

Section 3 (2)—Omitted, being provided for by section 20 of the General Clauses Act, 1897.

Section 4 (1)—The concluding words have been omitted, being provided for by section 21 of the General Clauses Act, 1897

Section 11—Omitted, as spent

Section 18 (3) and the concluding words of section 20 (1)—Omitted, being provided for by section 21 of the General Clauses Act, 1897

Section 40—Omitted, being provided for by section 500 of the Code of Criminal Procedure, 1898.

We have corrected references to Acts now repealed and references to Her Majesty and have followed present practice in referring to Acts by their statutory short titles and in the use of certain drafting expressions now in common use in place of equivalent expressions which are contained in the Act.

4. The publication required by the rules has been made in English in the Gazette of India dated the 22nd July 1910.

5. We think that the Bill has not been so altered as to require republication, and we recommend that the consolidating Bill proposed by us be passed

O. V. CREAGH

S. P. SINHA

P. I. SCALLOV

E. D. MACLAGAN

PARTAB SINGH

ZULFIKAR ALI KHAN

UMAR HYAT KHAN

The 22nd July 1910

APPENDIX B

(The Cantonments Bill which became Act VIII of 1883)

STATEMENT OF OBJECTS AND REASONS

nary for the public convenience

pectively administer

2 Of the other portions of the Bill the following only appear to call for remark —

- (1) *Section 2*—It is proposed to repeal all existing Cantonment Acts in force in British India and several obsolete enactments relating to cantonments and other military matters
- (2) *Section 3*—The words "officer" and "soldier" are defined for the purposes of Chapters V and III, respectively, and the definition of the expression "spirituous liquor" is designed to remove difficulties which have arisen in the construction of that expression in existing enactments
- (3) *Sections 4-7*—It is proposed that every cantonment be a sub division

1866. 11, as Judge of a Court of Small Causes he requires assistance it can be given to him under section 8 of the Provincial Small Cause Courts Act, 1887. Officers who are now invested with power to try breaches of rules not as Magistrates but in pursuance of an order of the Local Government under section 28, Act III of 1880, section 20 Madras Act I of 1866 or section 12, Bombay Act III of 1867, must be appointed Special Magistrates and as such observe the few rules prescribed in Chapter XX of the Code of Criminal Procedure 1882, for the trial of summons cases.

- (4) *Section 8*—This section vests the administration of the cantonment police in the District Superintendent under the general control and direction of the District Magistrate. Commanding officers of cantonments are to be relieved of the duty which is now unnecessarily imposed upon them of serving processes issued by the Courts for execution in cantonments.
- (5) *Sections 17-21*—These sections give a legal status to cantonment funds and cantonment committees. The want of such a status has been a not infrequent cause of inconvenience.
- (6) *Section 23*—This section which would make every cantonment a sub-district for the purposes of the Indian Registration Act III of 1877 and the Cantonment Magistrate the Sub Registrar of the sub-district, and require the provisions of the Transfer of Property Act 1882, with respect to the registration of documents to be observed in every cantonment is designed to reduce the difficulties which now occur in the maintenance of registers of immoveable property in cantonments.
- (7) *Section 29*—Several of the powers which it is proposed to take for making rules are not given by enactments now in force.

The 12th Oct 1888

G. CHITNALI

LEGISLATIVE DEPARTMENT.

Memorandum from Government of India, Military Department No. 2257-C, dated 12th October, 1894 and enclosure (Papers No 1)

From Officiating Secretary to Chief Commissioner, Assam No 3190, dated 10th November, 1894 (Paper No 2)

From Officiating Secretary to Chief Commissioner, Burma No. 479-64 M., dated 23rd November, 1894, and enclosure (Paper No 3)

From J. Macnail, Esq. Magistrate, District Court Tanna dated

From President, Landlords' Association, Mhow Cantonment dated 1st December 1894, and enclosure (Papers No 6)

From Chief Commissioner, Alwar Merwara No 54-C, dated 3rd December, 1893 (Paper No 7)

From Secretary to Chief Commissioner, Coorg No 213'-2139 dated 6th December 1893 (Paper No 8)

From J. Macnail, Esq. Peshawar, dated 12th December 1893, and enclosure (Papers No 10)

From certain House-owners of Blakot dated 13th December, 1893 (Paper No. 11)

Endorsement by Under Secretary to Government of India Home Department, No 3 A, dated 11th January 1899 and enclosure (Papers No 14)

From Registrar High Court Calcutta, No 231 dated 31st January, 1899 (Paper No 20)

From Registrar to Government Madras No. 211 dated 1st February, 1899 and enclosure

From Registrar to Government of India, Madras, 1899, and enclosure

From Registrar to Government North Western Provinces and Oudh, 1899, and enclosure (Papers No 24)

From Registrar to Government North Western Provinces and Oudh, 1899, and enclosure (Papers No 24)

From Registrar to Government North Western Provinces and Oudh, 1899, and enclosure (Papers No 24)

WE, the undersigned Members of the Select Committee to which the Bill to consolidate and amend the law relating to Cantonments was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report

2 The Bill, as originally framed, divided itself naturally into two parts—the first relating to the general administration of cantonments as regards police, commissariat, taxation and so forth the second relating to immovable property. There has been a general concurrence of opinion in favour of the provisions of the first part of the Bill, while the second has provoked considerable discussion and opposition. Our present Report relates only to the first part of the Bill for the speedy enactment of which cogent reasons exist. As regards the second part, we consider that Chapter V of the Bill as introduced in October last, should, in such form as may be approved by the Government after consideration of the representations which its proposals have elicited, be treated as a separate measure and be considered by a Select Committee and the Council in Calcutta.

3 In the rest of the Bill as introduced we have made several alterations of which the following only need be mentioned, the sections hereafter cited being those of the Bill as revised by us and annexed to this Report —

(1) By section 2 we have proposed to save existing rules for the present and to continue the validity of limits defined under enactments which are now to be, or have long since been, repealed

(2) " " " " " " " " " " " "

affecting cantonments

(3) Sections 7, 8 and 32, relating to Cantonment Magistrates, Cantonment Courts of Small Causes and Cantonment Sub Registrars, have been modified so as to meet the objections which were taken to the corresponding sections of the original Bill on the ground of their want of elasticity

(4) The Assistant Cantonment Magistrate, in the few places where exercise of his office appointed to be, a Code of Criminal rested under a Can Judge of a Canton er sections 9 and 10 of the Court with

like powers

(5) From section 12 we have omitted the references to section 48 of the Madras Police Act and section 31 of the Bombay Police Act, because local legislation now pending will render them inappropriate

(6) In sections 17, 18, 20 and 21 we have recognised the practice which still obtains in some parts of India, of suffering cantonments to be included within the limits of municipalities

(7) Under section 25 it will be practicable to apply to cantonments the substance of Chapters VI and VII of the Punjab Municipal Act, 1884, which have already been adopted for all municipalities in Ajmere and Berar, and have recently been reproduced in the Central Provinces Municipal Bill

(8) By section 31 we have proposed to extend to cantonment authorities acting in good faith such protection as is given by Act XVIII of 1850 and the Indian Penal-Code to judicial officers so acting

4 The publication ordered by the Council has been made as follows —

" " " " " " " "

5 We do not think that the measure has been so altered as to require republication and we recommend that it be passed as now amended

G CHESNEY

ANDREW R SCOBLE

PHIL P HUTCHINS

R J CROSTHWAITE

The 6th August 1889

THE
CANTONMENT CODE, 1912.



THE CANTONMENT CODE, 1912 *

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said section 25

2. The Cantonment Code 1899 published under Notification of the Government of India in the Military Department, No. 604 dated the 16th June, 1899, as subsequently amended is hereby rescinded.

But Committees constituted, appointments orders, bye-laws and regulations made, notifications, notices and summonses issued and licences granted under the said Code shall be deemed to have been respectively constituted, made, issued and granted under the rules and applied enactments hereby directed to be in force.

Now—The cantonments of Bellary, Berhampur, Calcutta, Cannara and Trichinopoly in the Madras Presidency were exempted from the operation of the Code of 1899 by the Notification of the Government of India in the Military Department, No. 1006, dated the 29th September 1902, but the Code was afterwards applied to the Bellary Cantonment by the Notification of the Government of India in the Military Department, No. 501 dated the 6th June 1902.

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THE CANTONMENT CODE, 1912.

CHAPTER I

PRELIMINARY

Short title

1. These rules and applied enactments* may be called the Cantonment Short title Code, 1912

General Definitions †

2. (1) In this Code, unless there is anything repugnant in the subject Definitions or context,—

(a) "Accountant General" means the Civil Accountant General or Comptroller :

(b) "Aden" means any land in a cantonment which has been set apart

(c) "Brigade" means any body of troops, placed for administrative purposes under a Commander of one or more stations having the status of a Brigadier General or Colonel on the Staff, and excludes the Aden, Bannu, Derajat and Kohat Independent Brigades

(d) "Division" means one of the Divisions into which the Army in India is, for the time being, divided, and includes the Aden, Bannu, Derajat and Kohat Independent Brigades .

(e) "dairy" includes every farm, shed, milk store, milk shop or other place from which milk is supplied, or in which milk is kept for purposes of sale :

(f) "dairyman" includes the keeper of a cow, buffalo, goat, ass, or other animal, the milk of which is offered, or intended to be offered, for sale for human consumption, any purveyor of milk and any occupier of a dairy :

(g) "Executive Engineer" means the Public or Military Works Officer of that grade having charge of the military works in the cantonment and includes the officer, of whatever grade, in immediate executive charge of the works

(h) "infectious or contagious disorder" includes cholera, leprosy, enteric fever and every infectious or contagious disorder other than a venereal disease

(i) "keeper of a sarái" includes the owner of a sarái, any person having the care or management of a sarái and the lessee of any land, whether belonging to the Government or not, occupied by a sarái .

(j) "lessee" means a person who has been granted permission, whether before or after the commencement of this Code to occupy, for the purposes of a building site, land belonging to the Government in a cantonment, and includes the successors in interest of a lessee

* In addition to these definitions the definitions in s 2 of the Cantonments Act, 1912 (XV of 1912) apply and should be borne in mind—see s. 20 of the General Clauses Act, 1897 (X of 1897) Further, the provisions of the latter Act are applicable

(c) at the head quarter cantonment of a Division or Brigade a combatant officer appointed by name in Station Orders by the Officer Commanding such Division or Brigade, in all other cases the Commanding Officer of the cantonment.

The Cantonment Code, 1912

(Chapter II—Cantonment Committees and Control—Sections 47)

(b) any Magistrate of the first class, being also a Justice of the Peace, appointed by the District Magistrate to represent him

Magistrate must also be a
t Magistrate may, with
ision, appoint as his re
e Peace, until such time

(c) such Commanding Officers in the cantonment as may be appointed in Station Orders to be members.

(d) the Cantonment Magistrate,

(e) the Sanitary Officer.

(f) the Executive Engineer, and

(a) the District Superintendent of Police

(2) At the head quarter cantonment of the Division or Brigade the officer appointed under sub section (1), clause (a), in all other cases the Officer Commanding the cantonment, shall be the President of the committee and the Cantonment Magistrate shall be the Secretary

(3) If the President is absent from any meeting the next senior combatant officer present shall preside on that occasion.

4. The Officer Commanding the Division may, by order in writing, appoint any residents of the cantonment, whether officials or non officials, to be additional members of the Cantonment Committee for such period as may be stated in the order and may similarly revoke any appointment so made

5. The Cantonment Committee (if any) shall discharge the functions of the Cantonment Committee (if any) to discharge functions of cantonment authority under this Code

(c) shall be in abeyance, or

Meetings of Cantonment Committee

7. (1) The Cantonment Committee (if any) shall meet for the transaction of business once at least in every month, and at such other times as the President may direct. Time and place of meetings and notice of business.

(e) The time and place of each meeting shall be announced in Station Orders and shall be communicated to each member by a notice in writing issued by the Secretary

(3) Every notice issued under sub section (2) shall —

(c) unless the President in any case otherwise directs, be issued so as to reach each member three clear days before the meeting takes place, and

(b) be accompanied by an agenda paper specifying the business to be transacted at the meeting

(4) The President may permit the consideration of any business not specified in the agenda paper as aforesaid, unless a majority of the members require its postponement to a later meeting.

(5) The President may by order in writing adjourn any meeting to any date to be fixed by the order.

The Cantonment Code 1912

(Chapter II—Cantonment Committees and Control—Sections 8-14)

Six days notice
required in
certain cases

8 No business relating to the imposition abolition or modification of any tax shall be transacted at a meeting unless at least six clear days notice in writing of the date fixed therefor has been given

Quorum

9 No business shall be transacted at a meeting unless there are present in addition to the President,—

(a) three members of the committee or

(b) half the total number of members

whichever number is the greater

Minutes of
proceedings to
be kept

10 (1) Minutes of the

book

place

to the

(2)

be for

Meetings to be
public

11 Every meeting shall be open to the public unless in any case the President for reasons to be recorded in the minutes otherwise directs

Decisions by
majority of
members

12 (1) All questions coming before a meeting shall be decided by a majority of the votes of the members present and voting

(2) In the case of an equality of votes the President shall have a second or casting vote

(3) The dissent of any member from any decision of the Cantonment Committee with an abstract of the grounds therefor shall if the member so requests be entered by the Secretary in the minutes

Control

Power of
President and
District
Magistrate to
suspend action
pending
reference to
higher authority

13 (1) If the President dissents from any decision of the Cantonment Committee he may for reasons to be recorded in the minutes by order in writing direct the suspension of action thereon for any period not exceeding one month and if he does so he shall forthwith refer the matter to the Officer Commanding the Brigade or Division as the case may be

(2) If the District Magistrate considers any decision of the Cantonment Committee to be prejudicial to the public health safety or convenience, he may whether on a report made by the Magistrate representing him on the

(3) If the Magistrate appointed to represent the District Magistrate on the Cantonment Committee is present at a meeting and dissents from any decision which he considers prejudicial to the public health safety or convenience he may, for reasons to be recorded in the minutes and after giving notice in writing of his intention to the President report the matter to the District Magistrate and the Officer Commanding the Brigade or Division as the case may be

Controlling
power of Officer
Commanding
the Brigade

14 (1) The Officer Commanding the Brigade may by order in writing—

(a) call for any book or document

(b) re

(c) require the cantonment authority to furnish plans and estimates for all

The Cantonment Code, 1912

(Chapter II—Cantonment Committees and Control—Sections 15 16
Chapter III—The Cantonment Magistrate and Cantonment Servants—
Section 17)

- (d) direct that any matter or any specific proposal, other than one which has been referred to the Local Government under section 13, sub section (3), be brought before the Cantonment Committee
- (2) The Officer Commanding the Brigade may, by a like order,—
 - (e) direct the suspension, for such period as may be stated in the order, of action on any decision of the Cantonment Committee which has not been referred to him under section 13, sub section (1), or
 - (f) when any decision of the Cantonment Committee has been referred to him under section 13, sub section (1), either—
 - (i) cancel the order given by the President directing the suspension of action, or
 - (ii) extend its duration for such period as may be stated in his order, or
 - (iii) declare the modifications with which the decision may be carried into effect by the Cantonment Committee
- (3) When the Officer Commanding the Brigade directs the suspension of action on any decision of the Cantonment Committee, or extends the duration of any order of suspension, he shall forthwith refer the matter to the Officer Commanding the Division
- 15 The Officer Commanding the Division may, by order in writing —
 - (a) exercise any of the powers conferred by section 14, sub section (1), on the Officer Commanding a Brigade,
 - (b) direct the suspension for such period as may be stated in the order, of action on any decision of the Cantonment Committee which has not been reported to him under section 13 sub section (2), or referred to him under section 14, sub section (3), or
 - (c) when any decision of the Cantonment Committee has been referred to him under section 14, sub section (3), either—
 - (i) cancel the order given by the President or the Officer Commanding the Brigade, as the case may be, directing the suspension of action, or
 - (ii) extend the duration of the order for such period as may be stated in his order, or
 - (iii) declare the modifications with which the decision may be carried into effect by the Cantonment Committee
- 16 When any decision of the Cantonment Committee has been referred to the Local Government under section 13 sub section (3), the Local Government shall consult the Officer Commanding the Division and may then, by order in writing, either—
 - (a) cancel the order given by the President directing the suspension of action, or
 - (b) extend its duration for such period as may be stated in its order or
 - (c) direct that no action be taken on the decision or
 - (d) declare the modifications with which the decision may be carried into effect by the Cantonment Committee

Controlling
powers of
Officer
Commanding
the Division

Controlling
powers of Local
Government

CHAPTER III

THE CANTONMENT MAGISTRATE AND CANTONMENT SERVANTS

Cantonment Magistrate

17. (1) The Cantonment Magistrate shall be the executive officer of the cantonment authority, and all orders of the cantonment authority shall be issued through him.

Enlistment and
general duties of
Cantonment
Magistrate

The Cantonment Code, 1912

(Chapter III—The Cantonment Magistrate and Cantonment Servants—
Sections 18-25)

(g) The Cantonment Magistrate, as Secretary of the Cantonment Committee authority, shall be subordinate cantonment or at the head quarter office appointed under section 3.

(5) The Cantonment Magistrate shall see that all orders of the cantonment authority are duly obeyed

(4) The Cantonment Magistrate shall, as far as practicable, keep a record of every final order issued by him in his official capacity.

Cantonment Servants

Number and salaries of servants of cantonment authority

18 (1) With the new constitution of the District Council, the position and subject of the Cantonment of the Cantonment and salaries of

XV of 1910

(2) Every alteration in the number of such servants or in their salaries shall be subject to the sanction and control aforesaid

Register of
martial servants
of custom
authority

19 The Cantonment Magistrate shall maintain such public register of menial servants employed by the cantonment authority as may be instituted by that authority

Appointment
and supervision
of servants of
cantonnement
authority

20 The Cantonment Magistrate shall--

- (a) appoint all servants required by the cantonment authority,
- (b) apportion control and superintend the performance of the duties of all such servants,
- (c) disburse the salaries of all such servants, and
- (d) deal with applications from such servants for leave of absence

Provided that no person shall be appointed under this section who has been dismissed for misconduct from employment under any other cantonment or local authority, or any Department of the Government

Penetration of
servants of
employment
authority

21 The Cantonment Magistrate may, for reasons to be recorded by him in writing, fine, suspend, dismiss or reduce to a lower grade or salary any servant of the cantonment authority

Provided, first, that no fine so imposed shall exceed one week's salary of the servant fined.

Provided, secondly, that the Cantonment Magistrate shall submit to the Cantonment authority a monthly list of all such fines, suspensions, dismissals and reductions.

Penalty for obstructing in their duty persons employed by, or contracting with, the enforcement authority

22. Whoever obstructs or molests any person employed by the canton

The Cantonment Code, 1912

*(Chapter III.—The Cantonment Magistrate and Cantonment Servants —
Sections 23-26)*

(2) Whoever, being a sweeper employed by the cantonment authority, in
t reason
without
r refuses
isonment

health or safety

Explanation—In this section the word "sweeper" includes any menial employed by the cantonment authority in the removal or disposal of filth or rubbish

(2) No security shall be accepted other than a deposit of—

- (a) cash, or
- (b) Government securities, or
- (c) shares in the Bank of Bengal, the Bank of Madras or the Bank of Bombay, or
- (d) debentures or other securities for money issued by or on behalf of a local authority

Explanation—In this section the words "deposit of cash" include savings bank deposits if pledged to the President of the Cantonment Committee, or where there is no such committee, to the Commanding Officer of the cantonment

25. On or about the first day of January in each year, the Cantonment Magistrate shall submit to the cantonment authority a report as to the sufficiency of the security furnished by or on behalf of its servants

Annual report as to sufficiency of security furnished.

proceedure in dealing with moneys and securities deposited.

Provided that no such moneys or securities as aforesaid shall be delivered up,—

- (a) if deposited by or on behalf of a servant of the cantonment authority, until after the lapse of such time after the death of, or the vacation of his office by, such servant as the cantonment authority may direct, or
- (b) if deposited by or on behalf of a contractor

*The Cantonment Code, 1912**(Chapter IV—Cantonment Fund—Sections 27-29)*

CHAPTER IV

CANTONMENT FUND

Credits to Fund

Sums to be
credited to
cantonment
fund

27. There shall be placed to the credit of the cantonment fund the following sums namely—

- (a) all sums directed by section 19, sub section (1), of the Cantonments Act 1910 or by or under any other enactment for the time being in force, to be placed to the credit of that fund, and
- (b) all grants in aid and other sums received by the cantonment authority in aid of that fund

Grants in aid

28 (1) The Secretary to the Government of India in the Army Department shall, from time to time, intimate to the Officer Commanding the Division the annual sum (if any) which will from time to time be placed at his disposal by the Government of India as a grant in aid to the cantonment funds in his Division

(2) The Officer Commanding the Division shall distribute the said sum among the said cantonment funds in such proportions as he may think fit

Application of Fund

Purposes to
which cantonment
fund may be
applied.

29 (1) The cantonment fund may be applied to the following purposes within the cantonment namely—

- (a) the payment of any expenses directed by or under any enactment for the time being in force to be debited to the fund,
- (b) the payment of such allowances to officers performing the duties of Cantonment Magistrates, as the Commander in Chief in India with the concurrence of the Local Government may determine,
- (c) the provision and maintenance of an office for the cantonment authority,
- (d) the payment of the salaries of the cantonment establishment, or any contribution to a provident fund on account of any member of that establishment,
- (e) the survey of buildings and lands,
- (f) the management and improvement of lands and other property placed by the Government under the management of the cantonment authority, including—

- (i) the construction and maintenance of streets (other than those maintained from Imperial or Provincial funds),
- (ii) the lighting, watering and cleansing of streets, and
- (iii) the maintenance of public parks and gardens and the planting and tending of trees,

(g) the provision and maintenance, or the aiding, of hospitals, dispensaries and schools and the conveyance of patients to and from

- (h) the pay of the public conservancy establishment,
- (ii) the construction of public latrines and other conservancy works, and
- (iii) the purchase of all necessary conservancy carts, utensils and other appliances,

tary condition,

The Cantonment Code, 1912

(Chapter IV—Cantonment Fund—Sections 30-33)

- (l) the burial, burning or other lawful disposal of the corpses of prisoners and unknown persons,
- (m) the abatement of nuisances,
- (n) the taking of a census, and
- (o) generally the payment of all expenses incurred under this Code or any other rule or law for the time being in force

Estimates and Sanctions

30. No money shall be paid from the cantonment fund unless the expenditure is either—

Money not to be paid unless expenditure sanctioned

- (a) provided for in the sanctioned budget estimate, or by re appropriation under section 33, or
- (b) sanctioned by the Officer Commanding the Division, and
- (c) in the case of expenditure on Public Works, unless detailed estimates have been prepared and sanctioned

31. The cantonment authority shall, under the direction of the Officer Commanding the Division, be responsible for administering the funds provided in the sanctioned budget estimate or sanctioned under section 30 clause (b)

Responsibility for administering funds

32. (1) On the first day of June in each year, the Officer Commanding the Division may direct shall submit to the Officer Commanding the Brigade the Division, as the case may be, a budget estimate any grant-in aid) into, and expenditure from, the ensuing financial year

(3) The Officer Commanding the Brigade may revise the budget estimate and shall submit it to the Officer Commanding the Division

(4) The Officer Commanding the Division may sanction the budget estimate with or without modification

(5) The sanction of the Officer Commanding the Division to the budget estimate shall be communicated by him to the Officer Commanding the Brigade and the cantonment authority

33. (1) The cantonment authority may—

Re-appropriation

- (a) with the previous sanction of the Officer Commanding the Division, re appropriate any sum from one major head of the budget estimate to another

The Cantonment Code, 1912

(Chapter IV—Cantonment Fund—Sections 34-36)

- (b) with the previous sanction of the Officer Commanding the Brigade, or Officer Commanding the Division, as the case may be, re appropriate any sum from one minor head or sub head of the budget estimate to another minor head or sub head under the same major head, or from one major head to another

(2) A copy of every order made under sub section (1) (b) shall be sent by the Officer Commanding the Brigade to the Officer Commanding the Division

Provided that no allotment to any major head shall, by re appropriation, be varied by more than 10 per cent of its original amount, except with the previous sanction of the Officer Commanding the Division also

Payments

Examination
and order for
payment of
claims

34 (1) Every claim for payment from the cantonment fund shall be supported by a voucher duly receipted and (if necessary) stamped, and shall be presented—

- (a) to the President of the Cantonment Committee, or,
- (b) if so directed by the Officer Commanding the Division to the Secretary to the Cantonment Committee, or,
- (c) where there is no Cantonment Committee to the Commanding Officer of the cantonment

(5) If payment is to be made from the imprest, the order for payment shall be "Pay in cash rupees (in words)," and, if payment is to be made by cheque, the order shall be "Pay by cheque No _____, dated _____, rupees (in words)," the blanks being filled up when the cheque is signed

Payments how
to be made

35 Payment shall be made,—

- (a) if the sum to be paid does not exceed twenty rupees, in cash, and,
- (b) if the sum to be paid exceeds twenty rupees, by cheque

Cheques

36 (1) Money may be drawn from the cantonment fund only by means of a cheque written in Form 4 in Schedule I

(2) Every cheque shall be signed as follows —

- (a) where there is a Cantonment Committee,—
 - (i) if the sum to be paid does not exceed five hundred rupees, by the Secretary, or,
 - (ii) if the sum to be paid exceeds five hundred rupees, by the President,

(b) where there is no Cantonment Committee, by the Commanding Officer of the cantonment

(3) Cheques drawn in favour of a Government officer shall be made payable to order, and cheques drawn in favour of any other person shall be made payable to bearer

(4) All cheque forms shall be bound in books with counterfoils

(5) Every cheque book shall bear a number, and each officer authorized by sub section (2) to sign cheques shall notify to the treasury the number of the cheque book which he from time to time brings into use

(6) On each cheque form there shall be entered the number of the cheque book in which the form is contained, and a consecutive number

(7) There shall be noted on the outside of each cheque book an order for its personal custody under lock and key by the officer who is authorised to use the

The Cantonment Code, 1912

(Chapter IV—Cantonment Fund—Sections 37 to 42)

(8) No cheque shall be current for more than three months from the date on which it was drawn. After the expiration of that period payment will be refused at the treasury, and it shall be necessary for the person in whose

it has not already done so Imprest
rupees, or, if the Officer
urrence of the Accountant
ndred rupees, to form an

38. Overdrafts on the cantonment fund shall be allowed only if sanctioned by the Officer Commanding the Division. Overdrafts

Receipts

39. (1) All moneys received for credit to the cantonment fund shall be entered in a register of receipts, to be directly or through a subsidiary register and fines, shall be acknowledge schedule

register

40. The cantonment authority shall be responsible for making such arrangements as will secure— Responsibility of cantonment authority as to receipts

- (a) that all moneys received for credit to the cantonment fund are duly brought to credit in the accounts,
- (b) that all moneys so received, with the exception of grants in aid and fines, are duly acknowledged by receipts in the form prescribed by section 39, or by chalangas duly receipted by the Treasury Officer, and
- (c) that, whenever a receipt is given, the foil and counterfoil are duly filled up

Account of the Imprest

the treasury by cheque

Bills for Expenditure

42. (1) Every item of expenditure shall be entered in a bill of one of the following kinds, namely— Expenditure to be entered in bill.

- (a) an establishment pay bill—for the pay of members of the cantonment establishment,

The Cantonment Code, 1912

(Chapter IV—Cantonment Funds—Sections 43-48)

(b) a travelling allowance bill—for the travelling allowance of members of the cantonment establishment, or

(c) a contingent bill—for all charges other than the pay and travelling allowances of members of the cantonment establishment.

(2) Every establishment pay bill and every travelling allowance bill shall be prepared in the form for the time being prescribed by the Civil Account Code

(3) Every contingent bill shall contain full details of the charges incurred

Claims by con-
tractors or
tradesmen

43 (1) Claims for supplies or services by contractors or tradesmen shall be paid on bills presented by them

(2) Where any such claim as aforesaid is paid by cheque the payment shall be at once entered in the register of payments, and, where it is paid in cash, the payment shall be entered in the imprest register

(3) Where a contractor or tradesman presents his bill in the vernacular, a brief abstract shall be endorsed thereon in English, stating the amount, the name of the payee and the nature of payment in the terms prescribed by Article 9 (b) of the Civil Account Code

Petty charges to
be met from the
imprest

44. (1) All petty charges to be met from the imprest shall be entered in bills prepared in the form for the time prescribed by the Civil Account Code

(2) Such bills as aforesaid shall be supported,—

(a) in the case of a payment for a telegram or of any other sum exceeding ten rupees by the original voucher on which the payment was actually made, and

(b) in other cases, by a certificate that the receipts of the payees have, as far as possible, been obtained, and have been so destroyed, defaced or mutilated that they cannot be used again

(3) The certificate referred to in clause (b) of sub section (2) shall be signed by the Secretary to the Cantonment Committee, or, if there is no Cantonment Committee by the Commanding Officer of the cantonment

Charges in-
curred direct by
cantonment
authority

45 (1) All charges incurred direct by the cantonment authority and paid by cheque shall be entered in bills prepared in the form for the time prescribed by the Civil Account Code

(2) The following certificate shall be recorded at the foot of every such bill and signed by the Secretary to the Cantonment Committee or, if there is no Cantonment Committee, by the Commanding Officer of the cantonment, namely —

I certify that the expenditure charged in this bill could not, with due regard to the interest of the cantonment be avoided. I have satisfied myself that the charges entered in this bill have really been paid.

(3) In the case of expenditure on Public Works, the usual completion certificate shall be furnished

Entry of Cheques in Accounts

Entry of pay-
ments by
cheque

46 All payments made by cheque shall be entered in the register of payments, the vouchers being numbered in a monthly consecutive series

Deduction of
amount of can-
celled cheques.

47. Where a cheque is cancelled, the amount thereof shall be deducted from the expenditure by a minus entry in the appropriate column of the register of payments. The deduction shall then pass into the cash book through the daily total of payments carried into it

Accounts and Returns

Cash book

48 The cantonment authority shall keep a cash book in Form 7 in Schedule I. The cash book shall be balanced monthly, and the balance shown in it

The Cantonment Code, 1912

(Chapter II—Cantonment Fund—Sections 52-55)

(3) The Examiner or Inspector of Local Accounts will inspect the cantonment fund accounts and audits of the same and report to the Officer Commanding the Division the result of the enquiry.

(4) All cases of fraud or embezzlement should at once be reported to the Accountant General who will at his discretion depute an auditor to investigate into the case and report to the Officer Commanding the Division the result of the enquiry.

Exception.—The provisions of this section do not apply to the Aden cantonment fund the accounts of which are audited by the Accountant General, Bombay.

52 (1) The cantonment authority shall prepare annually a consolidated account showing the receipts into and payments from the cantonment fund, classified under the major heads, minor heads and sub-heads contained in the monthly accounts.

(2) The total of the details under each head of receipts and payments, as given in the consolidated account shall agree exactly with the figures appearing against the entry 'From 1st April to date' under the same heads in the respective registers.

(3) The consolidated account shall be forwarded in duplicate to the Examiner or Inspector of Local Accounts who will compare the two copies and forward one copy to the Officer Commanding the Division retaining the other copy in his own office for check by the local auditors during audit with a view to furnishing the certificate of correctness.

Exception.—The provisions of sub-sections (2) and (3), so far as they relate to the local audit of accounts, do not apply to the Aden cantonment fund.

Classification.

53 (1) All receipts into, and expenditure from, the cantonment fund shall be classified, in the monthly and annual accounts, in accordance with Form B in Schedule I.

(2) All expenditure shall be classified in the monthly accounts under the appropriate major heads, minor heads, and sub-heads with reference to the

Explanation.—Every permanent advance to a cantonment fund receiving a grant-in-aid under section 23, shall be held outstanding in the military accounts until the fund becomes self-supporting and the advance shall then merely be shown as a balance in the hands of the cantonment authority.

Remittance to Treasury and Pass Book

54. The cantonment authority shall remit to the treasury all moneys received for credit to the cantonment fund.

55 (1) Remittances to the treasury may be made either daily or weekly as may be most convenient.

Provided that all moneys in hand on the last working day of each month shall be remitted on that day.

(2) Every remittance shall be accompanied by a challan or invoice and by the pass book.

(3) Where a remittance is made, the officer in charge of the treasury shall forthwith acknowledge its receipt by an entry in the pass book and shall enter on the charge side of the pass book particulars of cheques paid up to date as recorded in his register.

Annual consolidated account dated at year's end

Classification of receipts and expenditure

All moneys to be remitted to treasury

Procedure for remittance to treasury

The Cantonment Code, 1912

(Chapter IV—Cantonment Fund—Sections 56-59 Chapter V—Contracts—Sections 60-61)

(4) The pass book shall be sent to the treasury on the last working day of each month, whether or not there are any moneys to be remitted to the treasury on that day. The officer in charge of the treasury shall then close the pass book for the month, and enter therein in words the balance in hand, signing the entry.

56. (1) The cantonment authority shall from time to time examine the pass book and shall forthwith call the attention of the officer in charge of the treasury to any discrepancy appearing between the credits or debits shown therein and those shown in its registers. Supervision of pass book by cantonment authority

(2) The pass book shall be written in such a manner that the officer in charge of the treasury shall find no entries or marks by any member of the

Abstract Statements of Estimated and Actual Income and Expenditure

58. The Officer Commanding the Division shall forward to the Governor in Council an abstract statement of the estimated income and expenditure of the cantonment funds in his Division, and, Abstract statements of estimated and actual income and expenditure

(a) an abstract statement of the estimated income and expenditure from the several cantonment funds in his Division, and,

(b) a statement of the actual income and expenditure of the cantonment funds in his Division, and,

balance as shown in the treasury pass book and found to be correct

Submission of proposals as to taxation

59. All proposals made by the cantonment authority for the imposition, abolition or modification of any tax shall be submitted to the Officer Commanding the Division for transmission to the Local Government. Submission of proposals as to taxation

CHAPTER V

CONTRACTS

60. Every contract made by the cantonment authority shall be executed on its behalf by the officer authorized by the Governor General in Council so to execute it under section 2 of the East India Contracts Act, 1870. Contracts by whom to be executed.

61. No lease or other contract, which is to remain in operation for more than twelve months, shall be executed on behalf of the cantonment authority without the previous sanction of the Officer Commanding the Division. Sanction required to execution of contract to remain in operation for more than twelve months

Provided that where any such lease as aforesaid is a lease of land, the sanction of the Officer Commanding the Division shall not be given without the concurrence of the Local Government.

* As to the officers authorized under this Statute to execute contracts see the following Resolution of the Government of India in the Home Department namely—

No. 1430-1450 (Judicial) dated the 9th October, 1911—Supplement to the *Gazette of India*, 1911

The Cantonment Code, 1912

(Chapter I — Contracts — Sections 62 to 66 Chapter VI — Nuisances and Sanitation — Section 67)

Reference to
Executive
Engineer prior
to execution of
contracts for
works

62. No contract for the execution of a work shall be executed on behalf of the cantonment authority unless it has been examined and approved of by the Executive Engineer

Provided that where a work is estimated to cost not more than five hundred rupees the contract shall not be referred to the Executive Engineer unless the cantonment authority so directs

Sanction of
Cantonment
Committee or
Officer
Commanding
Cantonment
required for
execution of
contracts
exceeding one
hundred rupees
in value

63. The officer authorized as provided by section 60, shall not execute on behalf of the cantonment authority any contract the value or amount of which exceeds one hundred rupees without the previous sanction of—

(a) the Cantonment Committee, or

(b)

Provided that in case of urgency where there is a Cantonment Committee the officer authorized as aforesaid may with the previous sanction of the President of the Cantonment Committee, execute on behalf of the Cantonment Committee any contract the value or amount of which exceeds one hundred rupees but does not exceed two hundred rupees, and shall in every such case submit to the Cantonment Committee, at its next meeting a report of his action and of the reasons therefor

Form of con-
tracts exceeding
fifty rupees in
value

64. Every contract

Security for
fulfilment of
contract

the fulfilment
or any part

(2) Where any security is required under sub section (1) it shall be of the nature specified in section 24, sub section (2), and shall be of such amount as the cantonment authority may think fit.

(3) Where any security required as aforesaid has been given, the contract shall not be executed unless—

(a) it contains a clause specifying the nature and the amount of the security required, and

(b) any sum directed to be deposited has been lodged with the cantonment authority

Saving of offences
for building
sites

66. Nothing in this Chapter shall apply to any lease of land for the purposes of a building site

CHAPTER VI

NUISANCES AND SANITATION

Nuisances

Offences in
road or public
place

67. (1) Whoever,—

(a) in any street or public place within the cantonment,—

(i) is drunk and

(ii)

(iii)

(iv) begs importunately for alms, or

The Cantonment Code, 1912

(Chapter VI—Nuisances and Sanitation—Section 67)

- (v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, or
- (vi) carries meat exposed to public view, or
- (vii) is found gaming, or
- (viii) pickets animals or collects carts, or
- (ix) being engaged in the removal of night-soil or other offensive matter or rubbish, neglects to sweep away or otherwise effectually remove any portion thereof that may spill or fall on to such street or public place, or
- (x) without proper authority, affixes or causes to be affixed any bill, notice or other document upon any building, monument, post, wall, fence, tree or other thing, or
- (xi) without proper authority, defaces, or writes upon, or otherwise marks, any building, monument, post, wall, fence, tree or other thing, or
- (xii) —————
- (xiii) —————
- lic place, or
- (xiv) carries a corpse, or causes the same to be carried, without keeping it decently covered, or without taking due pre
- public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the cantonment authority, or who fails to close such cart or receptacle when in use, or
- ity, or
- (d) having charge of a corpse, fails to bury, burn or otherwise lawfully dispose of the same within twenty four hours after death, or
- (e) makes any grave, or buries or burns any corpse, at an unauthorized place, or
- (f) having entered or used a public conveyance under the circumstances or for any of the purposes mentioned respectively in section 189 fails to disinfect the same to the satisfaction of the cantonment authority, or
- (g) keeps or uses, or knowingly permits to be kept or used, any place as a
- (j) by singing, screaming or shouting, disturbs the public peace or order
- (k) discharges firearms or lets off fireworks or fire-balloons, or flies kites, or engages in any game, in such a manner as to cause or be likely to cause danger or annoyance to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, or

The Cantonment Code, 1912

(Chapter 11.—Nuisances and Sanitation—Sections 68-69)

(i) lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause, alarm or

(m) do

(n) set

(o) being the occupier of a house, or
 dies neglects to
 if the death of
 either—
 to report the death to the Cantonment authority

(p) except with the written permission of the cantonment authority,
 stores or uses night soil, manure, rubbish or any other substance
 emitting an offensive smell, or
 (q) uses or permits to be used as a latrine any place not so meant to be
 used,

shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

(2) Whoever does not take reasonable means to prevent any child under the age of twelve years in his charge from crying himself in any street or public place within the cantonment, shall be punishable with fine which may extend to twenty five rupees.

68. (1) The cantonment authority, by any person authorised by it in this behalf, may—

(a) destroy or cause to be destroyed, or confine, or cause to be confined, for such period as the cantonment authority may direct, any dog suffering, or reasonably suspected to be suffering, from rabies, or bitten by any dog or other animal suffering or suspected as aforesaid;

(b) ...

... dog destroyed or other-

... includes a hut, shop,

Sanitation

69. The following officers shall, for the purpose of ...
 control over, and be ...
 cantonment ...

Destruction of
 stray dogs at
 appointed
 periods.

Division of
 responsibility
 for sanitation.

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 Provin
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 1933, a
 ss am
 by L
 Provin
 Act 101

The Cantonment Code, 1912

(Chapter VI—Amenities and Sanitation—Sections 70-73)

- (d) the head of any other Military or Civil Department occupying, as such, any part of the cantonment—all blocks of buildings, workshops and other places used by establishments under his charge
- (e) the Cantonment Magistrate—the Sadar Bazar, all roads and all other parts of the cantonment not under the control of any officer mentioned in clause (a), clause (b), clause (c) or clause (d)

Weekly sanitary report

71 The Sanitary Officer shall exercise a general sanitary supervision over the whole cantonment shall report every unsanitary practice and every in sanitary condition of things, whenever or wherever existing therein both to the officer responsible under section 69 and to the cantonment authority, and shall attach to his report such recommendations for the remedy of the same as he may think fit

General duties of Sanitary Officer

72 The Cantonment Magistrate shall subject to the other provisions of this Code and the control of the cantonment authority—

Cantonment Magistrate's duties in respect of sanitation

- (a) make, and supervise the carrying out of, all arrangements (including the provision and maintenance of a sufficient number of animals, vehicles receptacles and implements and of places for keeping the same) necessary for—

(i) the removal of night soil and other offensive matter and

(ii) the surface cleansing of all streets and the watering thereof and

(iii) the maintenance in a sanitary condition of public and private

section 69.

- (b) make frequent inspections of all parts of the cantonment with a view to ensuring that all orders of the cantonment authority on sanitary matters are duly obeyed and that the public conservancy establishments satisfactorily perform their duties, and
- (c) take all necessary steps for remedying any defects in the sanitary condition of the cantonment of which he may become aware and for which funds can be provided

73 (1) So far as the funds at its disposal permit the cantonment authority shall provide and maintain a sufficient number of public latrines and urinals, with all necessary conservancy establishments

Provision and maintenance of public latrines and urinals and conservancy establishments.

(2) Such latrines and urinals shall be placed in proper and convenient situations as near as circumstances admit to the dwelling places or places of resort of the persons for whose use they are intended

Provided that, except with the previous sanction of the Officer Commanding the Division no latrine or urinal shall be placed within fifty feet and no trench latrine shall be placed within two hundred feet of any inhabited building

*The Cantonment Code, 1918**{Chapter VI}—Nuisances and Sanitation—Sections 74-77*

(3) Separate latrines and urinals shall ordinarily be provided for males and females, or, if any latrine or urinal is provided for the use of both sexes, separate divisions shall be provided for each sex, and each such latrine, urinal or division shall be marked as being for the use of men only, or women only, as the case may be

Directions as to
provision of
public latrines
and other im-
plements therefor

74 (1) In providing public latrines the cantonment authority shall observe the following directions, namely—

- (a) such number of latrines shall be provided as will admit of there being one compartment for the use of every fifteen adults using the latrines,
- (b) no latrine shall be constructed for the use of more than five hundred adults,
- (c) every latrine shall be so constructed as to—

(d) for every latrine, other than a trench latrine, there shall be provided,—

- (i) for the cleansing thereof, sweepers in the proportion of not less than one for every hundred adults using the latrine, and
- (ii) for the removal of night soil therefrom, air tight iron filth carts in the proportion of not less than one for every five hundred adults using the latrine, or, where carts cannot be used, sweepers in the proportion of not less than three for every five hundred adults using the latrine, and

(e) for every trench latrine there shall be provided digging sweepers in the proportion of not less than one for every two hundred adults using the latrine

Provided that if in any case it is impracticable, owing to want of funds or for any other sufficient reason, fully to observe the foregoing directions, the Officer Commanding the Division may declare the extent to which they shall be observed

(2) No public latrine shall be constructed or rebuilt except on a plan approved of by the Officer Commanding the Division

Receptacles or
places for tem-
porary deposit
of offensive
matter and
rubbish

75 The cantonment authority shall, whenever necessary, provide and maintain in proper and convenient positions receptacles or places for the temporary deposit of offensive matter and rubbish.

Places for dis-
posal of offen-
sive matter and
rubbish
Cesspools
receptacles for
filth etc

76 The cantonment authority shall appoint places for the disposal of night soil, carcasses and other offensive matter and rubbish

77. The Cantonment Magistrate may, by notice in writing,—

- (a) require any person having the control, whether as owner, lessee or occupier, of any land or building,—
 - (i) to close any offensive cesspool belonging to the land or building, or
 - (ii) to provide a receptacle (of a pattern if any, approved of by the cantonment authority) for filth or sullage water accumulating on or in the land or building, or
 - (iii) to keep in a cleanly condition (in such manner, if any, as may be prescribed by the notice), any receptacle provided for such filth, or
 - (iv) to prevent the water of any private latrine, urinal, sink or bathroom, or any other offensive matter, from seeping, draining, flowing or being put from the land or building upon any street or public place or into any water course or into any drain not intended for the purpose, or

The Cantonment Code, 1912

(Chapter VI—Nuisances and Sanitation—Section 78)

- (b) require any person who has the control, whether as owner, lessee or occupier, of any land or building, and has allowed any offensive matter or rubbish to accumulate or remain thereon or therein, to collect the same and deposit it, for removal by the public conservancy establishment, at such times and in such receptacles or places, situate at not more than one hundred feet from the nearest boundary of the premises, as may be specified in the notice, or
- (c) require any person to desist from making or altering any drain leading into a public drain, or
- (d) require any person who is creating or likely to create a nuisance by—

to desist therefrom, or

- (e) require any person having the control of a drain to remove, within a period to be specified in the notice, any obstruction from the same, or to cleanse, purify, repair or alter the same or otherwise put it in good order, or
- (f) require any person, being the owner, or having the control of any well, to disinfect or otherwise purify the same or protect it against contamination, in such manner and within such period as may be specified in the notice

78 The cantonment authority may, by notice in writing,—

Private
latrines

- (a) require the owner or other person having the control of any private latrine or urinal not to put the same to public use, or
- (b) where any plan for the construction of private latrines or urinals has been approved of by the cantonment authority and copies thereof may be obtained free of charge on application,—

(i) req

that plan, or

- (ii) require any person having the control of a private latrine or urinal to rebuild or alter the same in accordance with that plan, or
- (c) require the owner or other person having the control of any private

stood, or

- (d) require any person having the control, whether as owner, lessee or occupier, of any land or building —

the land or building, or

- (e) where any land or building is situate within one hundred feet of a

notice, or

(Chapter VI—Nuisances and Sanitation—Sections 79-83)

(f) require any person who is constructing or laying a drain, to obey any directions which the competent authority may, on the advice of the Executive Engineer think fit to give in order to ensure the completion of the work to its satisfaction or

(g) require any person, being the owner and having the control of any drain to provide and apply to the same within ten days from the service of the notice such covering as may be specified in the notice.

Provision of latrines etc

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1° 3 7

building or land

(2) The cantonment authority may by notice in writing require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit and to cause the same to be kept in proper order and to be daily cleansed

Employment of public sweepers

80 (1) The Cantonment authority may provide for the performance by its agents of the duties usually performed by sweepers in respect of any building or land or of any latrine, urinal, cesspool or other receptacle for filth or sullage water pertaining to any building or land with the consent of the occupier of the building or land or without such consent where the occupier fails to make arrangements to the satisfaction of the Cantonment authority for the performance of such duties.

(2) Where the cantonment authority has provided for the performance by its agents of the duties referred to in this section all matter removed by such agents in performing such duties shall be at the disposal of that authority.

Removal of noxious vegetation.

81 The cantonment authority may by notice in writing require the owner, lessee or occupier of any land to clear a way and remove any thick or noxious vegetation or undergrowth which appears to it to be injurious to health or offensive to the neighbourhood.

Filling up of tank or marshy ground or draining off or removal of stagnant water

the case may be

Provided that reasonable to the may with the pr require him to pay

Removal of
overcrowded
1 all 8 nos

(a) the Sanitary Officer,

(b) the Civil Surgeon of the district or if his services are not available some other medical officer of the Government and

(c) the Executive Engineer or some person deputed by the Executive Engineer in this behalf

author
the or
inhab

writing to the cantonment
and if it considers that
use risk of disease to the
hood or to endanger the

The Cantonment Code, 1912

(Chapter VI.—Nuisances and Sanitation—Sections 84-87)

public health, it shall clearly indicate, on a plan verified by the Executive Engineer or by the person deputed by him to serve on it, the buildings which should, wholly or in part, be removed in order to abate the unhealthy condition of the block

(3) If upon receipt of such report, the cantonment authority is of opinion that all or any of the buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them :

Provided, first, that the cantonment authority shall make compensation to such owners for any buildings which may have been erected under proper authority : and

say, if it appears to it
such owners such sum
which may not have

Explanation—In this section, the word "buildings" includes enclosure walls or fences connected with buildings

that any building used
health of the inmates
y notice in writing, re
cified in the notice, to
the number of lodgers,
Reduction of
number of
inmates of over-
crowded
dwelling

85. (1) Where any building is so ill constructed or dilapidated as to be, he can
within a
ke such
Power to require
that building
be repaired or
altered so as
to remove
sanitary defects

(2) A copy of every notice issued under sub section (1) shall be conspicuously posted on the building to which the notice relates

Explanation—A notice issued under sub section (1) shall be deemed to have been complied with if the owner of the building to which it relates, has, instead of executing the repairs or making the alterations directed by the notice, removed the building

notice

convicted of having persisted in the failure.

Franchise.

The Cantonment Code, 1912

(Chapter VII—Control over Streets, Buildings, Lands, Trees, etc.—
Sections 83-92)

CHAPTER VII

CONTROL OVER STREETS, BUILDINGS, LANDS, TREES, ETC.

Streets and Buildings

Power to attach brackets for lamps. 88 The cantonment authority may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience [Cf. 111 of 1905]

Temporary occupation of street, land, etc. 89 The cantonment authority may, by order in writing, permit the

Names of streets and numbers of buildings.

or puts up any name or number differing from that put up by order of the cantonment authority shall be punishable with fine which may extend to twenty rupees

Roofs and external walls not to be made of inflammable materials. 91 The cantonment authority may, by public notice, direct that within [Cf. 111 of 1905]

Notice of new buildings

92. Any person who intends to erect or re-erect any building shall give notice in writing, in the manner hereinafter prescribed of his intention to the cantonment authority and the cantonment authority may within six weeks after the receipt of the notice, refuse to sanction the building or may sanction it either a writing [Cf. 111 of 1905]

(a)

(b)

(c)

may consist,

(d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for filth,

(e) the level and width of the foundation, the level of the lowest floor and the stability of the structure,

(f) the line of frontage with neighbouring buildings, if the building abuts on a street, and

(g) the means to be provided for egress from the building in case of fire, and the person erecting or re-erecting the building shall obey all such written directions

Provided that the cantonment authority shall make full compensation to the owner for any damage which he may sustain in consequence of its prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street

use the building

(5) Where any building is begun or erected without the giving of the notice and the submission of the plans and specification required by this sec

The Cantonment Code, 1912

*(Chapter VII—Control over Streets, Buildings, Lands, Trees, etc—
Sections 93-95)*

tion, or in contravention of any order of the cantonment authority issued within six weeks of the receipt of a valid notice thereunder, the cantonment authority may, by notice in writing, to be delivered within a reasonable time, require the building to be altered or demolished as it may think necessary

(4) Where the cantonment authority neglects or omits for six weeks after the receipt of a valid notice under this section to make and deliver to the person who has given the notice, any order in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely

(5) Every sanction for the erection or re erection of a building given or

Provided that no sanction under section 92 shall act as a bar to any proceedings under sections 77 to 87

Explanation—In this section the expression “erect or re erect any building” includes—

(a)

(b)

(c) 1

(d)

greater number of such places,

(e)

(f)

(g) the addition of any rooms, buildings, out houses or other structures to any building

Act
93.

93. (1) The owner or occupier of a building shall not, without the permis
against or in
g, projecting
or aqueduct
Projections and
obstructions

(2) The cantonment authority may, by notice in writing, require the owner or occupier of any building to alter or remove any such projection or encroachment as aforesaid

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Code, the cantonment authority shall make reasonable compensation for any damage caused by the removal or alteration

Act
94.

94. The cantonment authority may, by notice in writing, require the owner or lessee of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street
Troughs and
pipes for rain
water

Act
95.

95. The cantonment authority may, by notice in writing require any person who has, without its permission in writing, newly erected or re-erected any building over any public sewer, drain, culvert, water-course or water pipe, to pull down or otherwise deal with the same as it may think fit
Unauthorized
buildings over
drains, etc

The Cantonment Code, 1912

*(Chapter VII.—Control over Streets, Buildings, Lands, Trees, etc —
Sections 95-102.)*

Power to require buildings, wells, tanks, etc., to be repaired. 96. Where any building, well, tank, reservoir, pool, depression or excavation is, in the opinion of the cantonment authority, for want of sufficient repair, protection or enclosure, as the case may be, dangerous to persons

Building, etc., in ruinous or dangerous state. 97. Where any building, wall or structure, or anything affixed thereto, or any bank or tree, is, in the opinion of the cantonment authority, in a ruinous state or in any way dangerous either, in the case of an occupied building, to the occupier or to the public, the cantonment authority may, by notice in writing, require the owner or occupier thereof forthwith either to remove the

Power to require untenanted building or land becoming a nuisance to be secured or enclosed. 98 The Cantonment Magistrate may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land, or the les-ee or person claiming to be the lessee of any land, which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a time to be specified in the notice

Boundaries, Trees, etc

Boundary-walls, hedges and fences. 99 (1) The cantonment authority may, by public notice, prohibit the construction of boundary walls, hedges, or other fences, of any material or description which is, in its opinion, unsuitable, unsightly or otherwise objectionable

(2) The cantonment authority may, by notice in writing, require the owner or lessee of any land—

- (a) to remove from the land any boundary wall, hedge or other fence which is, in its opinion, unsuitable, unsightly or otherwise objectionable,
- (b) to construct on the land sufficient boundary walls, hedges or other fences of such material, description and dimensions as may be specified in the notice,
- (c) to maintain the boundary walls, hedges or other fences on the land in good order

Explanation—In this section, the expression "boundary walls, hedges or other fences" includes all necessary gates and the posts or pillars thereof

Cutting or trimming of hedges. 100. The Cantonment Magistrate may, by notice in writing, require the owner, lessee or occupier of any land within three days to cut or trim any hedges on the land in such manner as may be specified in the notice

General felling or lopping or trimming of trees. 101. No general felling of trees, and no general lopping or trimming of trees in a manner likely to cause permanent injury thereto, shall be ordered by the cantonment authority without the previous sanction of the Commander-in-Chief in India.

Felling of trees of mature growth. 102. (1) No tree of mature growth, whether standing in any private enclosure or not, shall be felled without the previous sanction of the cantonment authority.

(2) Where, in the opinion of the cantonment authority, the felling of any tree of mature growth standing in a private enclosure is necessary for sanitary reasons, the cantonment authority may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within a time to be specified in the notice

The Cantonment Code, 1912

(Chapter VII—Control over Streets, Buildings, Lands, Trees, etc—Sections 103-107 Chapter VIII—Control over Sarais, Encamping grounds, Traffic, etc—Section 108)

103 The cantonment authority may—

- (a) cause to be lopped or trimmed any trees standing on land belonging to the Government, or,
- (b) by public notice require all owners, lessees or occupiers of land, or, by notice in writing require the owner lessee or occupier of any land, to lop or trim in such manner as may be specified in the notice all or any trees standing on such land and to remove any dead trees from such land

Power to require lopping or trimming of trees

104 (1) Where, in the opinion of the cantonment authority the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner is for any reason undesirable, the cantonment authority may by public notice prohibit such cultivation use or irrigation after a certain date to be specified in the notice

Agriculture and irrigation

Provided that if when a notice is issued under this section any land to which it relates has been lawfully prepared for cultivation or any crop is sown therein or is standing thereon the cantonment authority—

is to take effect pay to any person interested in the land or crop

notice

105 The Cantonment Magistrate may by notice in writing require the

Improper use of land

to its previous condition

106 Whoever without the permission in writing of the cantonment authority digs up the surface of any public land shall be punishable with fine which may extend to twenty rupees

Penalties

107 Whoever fails to give notice as required by section 92 (1) or fails

Penalties

CHAPTER VIII

CONTROL OVER SARAIS ENCAMPING-GROUNDS TRAFFIC, ETC.

Sarais

108 (1) Every keeper of a sarai shall be bound —

- (a) if to his knowledge any person in the sarai is ill of any infectious or contagious disorder or has died of any such disorder to make an immediate report of the fact to the Cantonment Magistrate

Duties of keepers of sarais

*The Cantonment Code, 1913**(Chapter VIII—Control over Sarais, Encamping grounds, Traffic, etc
Sections 109-113)*

(b) to maintain a sufficient supply of pure water for the use of persons frequenting the sarai,

(c) to keep all parts of the sarai in a clean and sanitary condition, and

(d) to give any information which the Cantonment Magistrate may, by notice in writing, require regarding—

(i) the boundaries of the sarai, and

(ii) any matters affecting its management and condition

(2) Whoever fails to give the Cantonment Magistrate any information required under this section or wilfully gives him false information, shall be punishable with fine which may extend to twenty rupees and, in the case of a continuing failure, with an additional fine not exceeding five rupees every day after the first in regard to which he is convicted of having persisted in the failure

Power to require
report as to
persons using
sarais

109 (1) The Cantonment Magistrate may, by notice in writing, require

(3) Where a written report is required, the form in which the same is to be furnished may be specified in the notice

(3) Whoever fails to comply with any notice issued under this section

Power to close
sarais

110 (1) The Cantonment Magistrate may, by notice in writing, require

(2) Whoever fails to comply with any notice issued under this section

Saving of Sarais
Act, 1867

111. The provisions of sections 108, 109 and 110 shall not apply to a cantonment to which the Sarais Act, 1867, for the time being extends

Encamping grounds, etc

Encamping
grounds and
pitching of
tents

112. (1) No place in the cantonment shall be used as an encamping ground or for the pitching of tents without the permission in writing of the cantonment authority

(2) Such permission as aforesaid may be granted subject to any conditions which the cantonment authority may think fit to impose with respect to sanitary arrangements and other matters affecting the public health, safety and convenience

Markets and Slaughter houses

Sale in markets
of articles unfit
for human
consumption
Hours during
which markets
may be kept
open.

113 No person shall in any market sell, or expose for sale, any article of food or drink for human consumption which is unfit therefor

114. (1) The cantonment authority may, by public notice, limit the hours during which any market may be kept open for public use

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in each market to which the notice relates

The Cantonment Code, 1912

(Chapter VIII—Control over Sardis, Encamping grounds, Traffic, etc.—Sections 115 to 120)

115. The Sanitary Officer and the Cantonment Magistrate shall frequently inspect—

Sanitary Officer and Cantonment Magistrate to inspect markets

- (a) articles of food and drink for human consumption kept for sale in markets,
- (b) the water supply of markets;
- (c) the arrangements for the removal and disposal of offensive matter and rubbish from markets, and
- (d) all other arrangements for maintaining markets in a proper sanitary condition

116. The cantonment authority may, by public notice, prohibit the sale, or exposure for sale, of any animal or article, or class of animals or articles, in any public market

Power to prohibit or restrict sales in public markets

117.

- (a) that convenient passages have been provided between the shops, stalls, sheds or standings in the market,
- (b) that a sufficient supply of pure water is provided for the market,
- (c) that, in the case of a large market, one or more public latrines, at a distance of not less than fifty yards from the market, and one or more public urinals, according to requirements, are provided for the use of persons frequenting the market and
- (d) that suitable arrangements are made for—
 - (i) keeping the market in a clean and sanitary condition and removing offensive matter and rubbish therefrom,
 - (ii) the proper ventilation of the buildings and structures in the market, and
 - (iii) the proper maintenance of the public latrines and urinals (if any) provided for the use of persons frequenting the market.

118. No private market shall after the commencement of this Code, be opened to public use until it has been licensed

New private markets to be licensed

119 (1

(a) by

1899, or,

(b) by public notice, the owners or the persons in charge of any class of such markets,

to furnish, within a time to be specified in the notice, any information which may be needed for the purpose of determining whether a license should be required for any such market.

(2) On the expiration of such time as aforesaid the cantonment authority shall determine, in respect of each market to which the notice relates, whether or not it is necessary to require a license

(3) Where the cantonment authority determines that a license shall be required for any such market and a license therefor either is not applied for or is refused, the cantonment authority may, by notice in writing require the owner or the person in charge of the market to close the same until a license has been obtained

120 The owner or the person in charge of a licensed market shall be bound—

Duties of owners or persons in charge of licensed markets.

- (a) to maintain convenient passages between the shops, stalls, sheds or standings in the market,
- (b) to maintain a sufficient supply of pure water for the market,

The Cantonment Code, 1912

(Chapter VIII—Control over Sardis, Encamping grounds, Traffic, etc.—
Sections 121-125)

(c) to keep the market in a cleanly and sanitary condition and to remove all offensive matter and rubbish therefrom, and

(d) to maintain in good order any public latrines or urinals which may have been provided for the use of persons frequenting the market

Lower to suspend or withdraw licenses for markets

121 (1) Where the owner or the person in charge of a licensed market commits a breach of any of the provisions of sections 114 and 120, the cantonment authority may, in addition to any punishment which may be inflicted under this Code, by order in writing, suspend the license for any period to be specified in the order, or withdraw the license

(2) No market for which a license has been granted under this Chapter, shall be kept open for public use while the license therefor is suspended or after the same has been withdrawn

(3) A copy of every order made under sub section (1) shall be conspicuously posted in the market to which the order relates

Register of private markets

122 The Cantonment Magistrate shall maintain a register of all private markets which have been licensed under this Chapter, showing—

(a) the date on which the license was issued, and,

(b) where the license has been suspended the date and period of the suspension, or,

(c) where the license has been withdrawn the date of the withdrawal

Selling in private market when license suspended or withdrawn

123 the time therein a food for term whi rupees

Restrictions on slaughtering without a license

124 (1) Subject to the provisions of sub section (2) no person shall without or otherwise than in conformity with the terms of a license granted by the Cantonment Magistrate in this behalf, use any place as a slaughter house or for the slaughtering of any cattle, sheep, goats or pigs intended for human food

(2) Nothing in sub section (1) shall be deemed—

(i) to restrict subject to such conditions as the Cantonment Magistrate, acting Magistrate, may, by general order in this behalf, the slaughter of any animal on any festival or ceremony, or

(ii) to prevent the Cantonment Magistrate, acting with the sanction of the cantonment authority, from setting apart places for the sacrifice of animals in accordance with religious custom and for the sale of flesh thereof, or

(iii) to limit or otherwise affect the right to slaughter, in or upon private premises, a kid intended solely for domestic consumption

(3) No fee shall be chargeable upon any license granted under this section

Penalties for contravening section 124.

125. (1) Whoever—

(a) uses any place in contravention of section 124, or

(b) omits to give any notice required by any order made in pursuance of sub section (2), clause (i), of the said section,

shall be punishable with fine which may extend to fifty rupees, and

(2) Whoever, after having been convicted under sub section (1), clause (a) of section 124, shall be punishable with fine which he continues so to offer rupees.

The Cantonment Code, 1912

(Chapter VIII—Control over Sardis, Encamping grounds, Traffic, etc—Sections 126 129)

126 Where the cantonment authority has made or approved of any arrangements for— Management of slaughter-house generally

(a) passing and marking animals in a slaughter house as being suitable for slaughter, or

(b) regulating the admission into a slaughter house of persons carrying on business or trade or working for gain therein, or regulating the conduct of such persons therein,

the owner or the person in charge of the slaughter house shall not slaughter, or permit to be slaughtered, any animal therein, unless those arrangements are duly observed

127. (1) The cantonment authority may, by public notice, limit the hours during which any slaughter house may be kept open for use and the slaughter of animals may be permitted therein Hours during which slaughter house may be kept open

(2) A copy of every notice issued under sub section (1) shall be conspicuously posted in each slaughter house to which the notice relates

(2) A copy of every notice issued under sub section (1) shall be conspicuously posted in the slaughter house to which the notice relates

Slaughter house
payment of
being satis
Licensing of
private
slaughter-
houses

(a) that convenient passages have been provided between any pens, standings or yards in the slaughter house

(b) that a sufficient supply of pure water has been provided for the slaughter house,

(c) that sufficient drains have been provided

(d) that the premises are so enclosed as to prevent the interior being visible by passers by and

(e) that suitable arrangements have been made for—

(i) keeping the slaughter house in a clean and sanitary condition and removing offensive matter and rubbish therefrom,

(ii) the proper ventilation of the buildings and structures in the slaughter house,

(iii) the proper maintenance of the drains and of any public latrines and urinals that may be required for the use of persons frequenting the slaughter house

(iv) the treatment of animals in the slaughter house,

(v) the slaughter of animals in a humane manner within an enclosure so constructed that animals placed therein shall be out of sight of animals kept outside,

(vi) the removal of animals to such enclosure as aforesaid,

(vii) the disposal or destruction of animals which are offered for slaughter and are from disease or any other cause unfit for human consumption and

(viii) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption

Provided that no license shall be granted for a slaughter house opened after the commencement of this Code, if the slaughter house is situate at any

The Cantonment Code, 1912

(Chapter VIII—Control over Sardis, Encamping grounds, Traffic, etc.—
Sections 130-135)

place which the cantonment authority thinks, especially with regard to any neighbouring drains or water courses, to be objectionable

130 No private slaughter house shall, after the commencement of this Code, be opened to public use until it has been licensed

New private
singer-
houses to be
licensed

Power to require
existing private
slaughter
houses to be
licensed.

131. (2) The cantonment authority may, by notice in writing, require the owner or the person in possession of the land at the commencement of the survey to be specified in the notice to produce the purpose of determining the area of the land.

(2) On the expiration of such time as aforesaid the cantonment authority shall determine whether or not it is necessary to require a license

(3) Where the cantonment authority determines that a license shall be required for the slaughter house, and a license therefor either is not applied for or is refused the cantonment authority may, by notice in writing, require the owner or the person in charge of the slaughter house to close the same until a license has been obtained.

132 The owner or the person in charge of a licensed slaughter house shall be bound—

**Duties of
owners or
persons in
charge of
licensed
slaughter
houses.**

(a) to maintain convenient passages between any pens, standings or yards in the slaughter house,

(b) to maintain a sufficient supply of pure water for the slaughter house.

(c) to keep the slaughter house in a cleanly and sanitary condition, to provide and maintain receptacles for refuse, and to remove all offensive matter and rubbish from the slaughter house.

(d) to maintain in good order the drains of the slaughter house and any public latrines or urinals which may have been provided for the use of persons frequenting it.

(e) to maintain suitable arrangements for the purposes mentioned in section 129, clause (e) sub clauses (iv) to (viii), and

(f) to prevent the keeping of animals at the slaughter house for more than twenty four hours

Power to suspend or withdraw licenses for slaughter houses.

(2) No slaughter house for which a license has been granted under this Chapter, shall be kept open to public use, and no animal shall be slaughtered therein, while the license therefor is suspended or after the same has been withdrawn.

(3) A copy of every order made under sub section (1) shall be conspicuously posted in the slaughter house to which the order relates

Register of
private
slaughter
houses

134. The Cantonment Magistrate shall maintain a register of all private slaughter houses which have been licensed under this Chapter, showing—

(a) the date on which the license was granted, and,

(b) where the license has been suspended, the date and period of the suspension, or,

(c) where the license has been withdrawn, the date of the withdrawal

Slaughtering in slaughter houses when license suspended or withdrawn.

After house is for
aters any animal
high my extend

The Cantonment Code, 1912

*(Chapter VIII—Control over Sardis, Encamping grounds, Traffic, etc—
Sections 136-145)*

136. (1) The cantonment authority may—

(a) charge, for the occupation or use of any stall, shop standing, shed or pen in a public market or slaughter house, and for the right to expose goods for sale in a public market and for weighing and measuring goods sold therein, and for the right to slaughter animals in any public slaughter house, such stallages, rents and fees as shall from time to time be fixed by it, in this behalf, or

Levy of stallages, rents and fees in public markets and slaughter-houses.

(b) farm the stallages, rents and fees leviable as aforesaid, or any portion thereof, for any period not exceeding one year at a time

(2) A copy of the table of stallages, rents and fees (if any) leviable in

of the canton goats or swine and fresh meat slaughtered Import of cattle and fresh

(2) Any animal or flesh brought into the cantonment in contravention of sub section (1), may be seized by the Cantonment Magistrate or by any servant of the cantonment authority and sold or otherwise disposed of as the cantonment authority may direct, the sale proceeds being credited to the cantonment fund

(3) Whoever commits a breach of the provisions of this section shall be punishable with fine which may extend to fifty rupees

Explanation—Nothing in this section shall be deemed to apply to cured or preserved meat

Traffic

138. The cantonment authority shall not permanently close any street or open any new street without the previous sanction of the Officer Commanding the Division

Closing and opening of streets

139. Whoever is driving a vehicle along a street, shall, except in case of the actual necessity, keep to the left when passing a vehicle coming from the opposite direction, and to the right when passing a vehicle going in the same direction

Rule of the road.

140. No animal shall be ridden or driven, and no vehicle shall be driven, on any street in a rash or negligent manner

Rash riding or driving

141. No animal shall be ridden or driven, and no vehicle shall be driven, on any street at a time or in a manner prohibited by public notice issued by the Cantonment Magistrate or by the District Superintendent of Police

Riding or driving at time or in manner prohibited

142. No vehicle shall be driven, led or kept standing on any street between nightfall and dawn without a suitable lamp, placed on the right side thereof, unless there is sufficient moonlight to render a lamp unnecessary

Use of lamps on vehicles.

143. Whoever is driving any elephant or camel on a street, shall remove the same to a safe distance on the approach of a horse or of bullocks drawing a vehicle

Removal of elephant or camel on approach of horse or vehicle drawn by bullock.

144. No vehicle or animal shall be left on a street without proper control.

Leaving vehicle or animal without proper control. Training, breaking in or exercising animal.

145. No animal shall be trained, broken in or led for exercise on any street at a time or place prohibited by public notice issued by the cantonment authority

The Cantonment Code, 1912

*(Chapter VIII—Control over Sardis, Encamping grounds, Traffic, etc.—
Sections 146-155)*

Obstruction of
street

146 No person shall—

- (a) cause any vehicle, with or without an animal harnessed thereto to remain or stand so as to cause obstruction in any street longer than may be necessary for loading or unloading or for taking up or setting down passengers, or
- (b) leave or fasten any vehicle or animal so as to cause obstruction in any street, or
- (c) expose any article for sale, whether upon a stall or booth or in any other manner, so as to cause obstruction in any street, or
- (d) in any other manner wilfully obstruct or cause obstruction to the free passage of any street

Burial and Burning Grounds

Power to call

147. The cantonment authority may, by notice in writing, require the

18
n

Permission
required for use
of new burial or
burning ground

148 (1) No place not previously used as a burial or burning ground shall after the commencement of this Code, be so used without the permission in writing of the cantonment authority

(2) Such permission as aforesaid may be granted subject to any conditions which the cantonment authority may think fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons living in the neighbourhood

Power to re-
quire closing of
burial or burning
ground

149 (1) Where the cantonment authority is of opinion, after making or

(2) Where the Local Government sanctions the issue of any notice under sub section (1), it shall declare the conditions on which the burial or burning ground may be re opened, and a copy of the declaration shall be annexed to the notice

(3) Where the Local Government sanctions the issue of any such notice

Prohibition of
use of burial or
burning ground
except under sec-
tion 140
Distance be-
tween graves

150 No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under section 149, sub section (1) is for the time being in force

151 No grave shall be made in any burial ground at a less distance than three feet from the margin of the nearest grave

Depth of
graves

152 No corpse shall without the permission in writing of the cantonment authority, be buried in any burial ground in a grave of less depth than—

- (a) four feet, where the grave is made of masonry, or
- (b) six feet, where the grave is not made of masonry

Corpses to be
buried or burnt
within six hours
Corpses to be re-
duced to ashes.

153 Every corpse brought to a burial or burning ground shall be buried or burnt, as the case may be, within six hours after it has been so brought

154 Every corpse brought to a burning ground shall be completely reduced to ashes

Power in re-
spect of impro-
perly disposed of
corpses

155 Where a corpse has been buried, burnt or otherwise disposed of in contravention of any of the provisions of sections 148, 150 151 152 153 and 154, the cantonment authority may if it thinks fit, take such order, therewith

The Cantonment Code, 1912

*(Chapter IIII—Control over Streets, Encamping-grounds, Traffic etc —
Section 156 Chapter IX—Water-supply—Sections 157-161)*

or with the remains thereof, as shall ensure the proper disposal of the same in accordance with this Code

156 The provisions of sections 147 to 155 shall not apply to any burial ground which is for the time being managed under rules published in the Public Works Department Code

Certain burial grounds excepted from operation of sections 147 to 155.

CHAPTER IX

WATER SUPPLY

157. All sources of public water supply (except such as are used for the purposes of water works and are for the time being under the control of the Public or Military Works Department) shall be under the control of the cantonment authority

Control of cantonment authority over sources of public water-supply

158 (1) Where there are no waterworks the cantonment authority shall take all necessary measures for maintaining a supply of pure water for guarding from pollution water which is used for human consumption, and for preventing polluted water from being so used

Duty of cantonment authority to maintain supply of pure water etc

(a) the drink of human beings or admixture with any article of human consumption,

(b) the drink of milch animals, or admixture with any article of food or drink for milch animals

(c) the washing of vegetables or of cooking utensils,

(d) any other purpose which is likely to cause its introduction into any article of human consumption

(*) A copy of every notice issued under sub-section (1) shall be conspicuously posted near the source of water supply to which the notice relates.

160 The cantonment authority may by notice in writing require the owner, or any person having control of any source of public water supply which is used for drinking purposes—

Power to require proper maintenance or closing to public use, of private source of public drinking water-supply

(a) to keep the same in good order, and to clear it from time to time of silt, refuse or decaying vegetation, or

(b) if the water therein is proved to the satisfaction of the cantonment authority to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to, or using such water

Provided that in the case of a well such person as aforesaid may instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the cantonment authority for the use of the public and the cantonment authority shall thereupon undertake the control and supervision of the same

161 (1) Whoever—

(a) bathes in any source of public water supply which is used for drinking purposes or

(b) washes or throws or causes or permits to enter, therein any dog or other animal, or

(c) washes or cleanses therein any clothes wool or leather skin utensil or other thing or

Prohibiting sources of public drinking water-supply

The Cantonment Code, 1912

(Chapter IX —Water-supply —Sections 162 169)

- (d) throws or allows to flow thereinto any offensive matter or rubbish, or
- (e) causes or allows the water of any sink, drain, steam engine or boiler, or any other filthy or polluted water belonging to him or under his control, to flow thereinto, or
- (f) does any other act whereby the water thereof is polluted or is likely to be polluted,

shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees

(2) For the purposes of this section the cantonment authority may, by public notice, declare what sources of public water supply are used for drinking purposes

(3) A copy of every notice issued under sub section (2) shall be conspicuously posted near the source of water supply to which the notice relates

Impairing quality or diminishing quantity of water in source of public drinking water supply or impairing usefulness of water works

162 The cantonment authority may, by public notice, prohibit any act specified in the notice which would in its opinion —

- (a) impair the quality or diminish the quantity of the water in any source of public water supply which is set apart for public use and is used for drinking purposes, or
- (b) injure or impair the usefulness of any of the pipes, locks, cocks or other fittings of water works

Trespass on water works

163. (1) The cantonment authority may, by public notice, prohibit trespasses upon land occupied by water works

(2) A copy of every notice issued under sub section (1) shall be conspicuously posted on the land to which the notice relates

Altering, obstructing or encroaching upon public water channel

164 (1) No person shall without the permission in writing of the cantonment authority alter, obstruct or encroach upon, any public water channel

(2) The cantonment authority may by notice in writing require any person who has made any such alteration obstruction or encroachment as aforesaid to remove or desist from the same

Power to prohibit polluting of source of public water-supply by fishing, boating or gathering flowers or plants

(3) A copy of every notice issued under sub section (1) shall be conspicuously posted near the source of water supply to which the notice relates

Throwing of corpses into source of public water-supply

166 No person shall throw a corpse into any source of public water supply

Power to prohibit pollution of source of public water supply by carrying on offensive trade

167. The cantonment authority may, by notice in writing require the owner, lessee or occupier of any place in which is carried on any offensive trade or manufacture whereby the water in any source of public water supply is polluted to take steps to abate such pollution.

Placing latrine, etc. or depositing offensive matter or rubbish, near source of public water supply

168 No person shall, without the permission in writing of the cantonment authority,—

- (a) place any latrine, urinal, cesspool or drain, or
- (b) use for the deposit of offensive matter or rubbish any place,

within fifty feet of any source of public water supply

Removal of latrine etc. near any source of public water supply

169 The cantonment authority may, by notice in writing, require any owner or occupier of any place in which is carried on any offensive trade or manufacture to remove or desist from the

The Cantonment Code, 1912

*(Chapter IX —Water supply—Sections 170 171 Chapter X —Trades,
Callings and Occupations—Section 172)*

170. Whoever—

(a) bathes, or

(b) washes any animal, or any clothes, wool, cloth, leather, skin, utensil or other thing,

Bathing or wash-
ing at public
well or spring

by the side of any public well or spring so as to pollute the water thereof, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees

171 (1) The cantonment authority may, by public notice, prohibit—

(a) bathing, or

(b) the washing of animals or of clothes, wool, cloth, leather, skins, utensils or other things, or of any class of such things,

Regulation of
public bathing
and washing

by the public or any class thereof at any public place specified in the notice

(2) The cantonment authority may, by public notice,—

(a) appoint places for—

(i) bathing, or

(ii) the washing of animals or of clothes, wool, cloth, leather, skins, utensils or other things, or any class of such things, and

(b) fix the hours at which alone bathing or washing may be carried on at any place so appointed

(3) In any notice issued under subsection (1) separate places may be appointed for bathing and washing, respectively, and separate places may be appointed for bathing by men and women, respectively

(4) A copy of every such notice as aforesaid shall be conspicuously posted on or near the place or places to which the notice relates

Explanation —In this section, the expression “washing an animal” includes driving or throwing an animal, or permitting it to go, into water

CHAPTER X

TRADES, CALLINGS AND OCCUPATIONS

172. No person of any of the following classes, namely —

(a) butchers, and sellers of poultry game or fish

(b) persons keeping pigs for profit and dealers in the flesh of pigs which have been slaughtered in India,

(c) persons keeping milch cattle or milch goats for profit,

(d) persons keeping for profit any animals other than pigs, milch cattle or milch goats,

(e) dairymen and buttermen and makers or sellers of ghi;

(f) makers of bread, biscuits or cake, and sellers of bread, biscuits or cake made in India,

(g) sellers of fruit or vegetables,

(h) manufacturers of aerated or other potable waters, or ice, and sellers of the same,

(i) sellers of food or drink for human consumption, including milk, butter, bread and other potable waters, or

Licenses
required for
carrying on of
certain occupa-
tions.

*The Cantonment Code, 1912**(Chapter V — Trades, Callings and Occupations — Section 173)*

- 120
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- (v) the taking of any other measures which the cantonment authority may think necessary for maintaining the premises in a clean and sanitary state
- (d) in the case of persons keeping for profit any animals other than pigs milch cattle or milch goats,—
- (i) the places at which such animals may be kept,
 - (ii) the number of such animals which may be kept at any one place, and
 - (iii) the manner of keeping the animals so as to prevent their becoming a public nuisance or injurious to the public health
- (e) in the case of dairymen, buttermen and sellers of ghi,—
- (i) the vessels and other apparatus to be used in the operations of their trade,
 - (ii) the places at which and the manner in which milk or butter may be prepared and kept for sale, and
 - (iii) the taking of any other measures which the cantonment authority may consider necessary for keeping the premises and all vessels and apparatus in a clean and sanitary state
- (f) in the case of makers of bread, biscuits, cake or sweetmeats and sellers of bread, biscuits or cake or sweetmeats made in India,—
- (i) the apparatus and the water, flour and other ingredients which may be used in the operations of their trade,
 - (ii) the places at which bread, biscuits, cake or sweetmeats may be prepared and kept for sale,
 - (iii) the inspection to be exercised over the making of such articles, and
 - (iv) the disposal of any such articles which may be found to be unwholesome
- (g) in the case of sellers of fruit or vegetables,—
- (i) the places and seasons at which fruit or vegetables, or any specified kinds of fruit or vegetables, may be sold, and
 - (ii) the disposal of any fruit or vegetables which may be found to be unwholesome or of which the sale has been prohibited under clause (g), sub clause (i)
- (h) in the case of manufacturers of aerated or other potable waters or ice, and sellers of the same —
- (i) the sources from which water used in such manufacture shall be taken,
 - (ii) the machinery, chemicals and ingredients which may be used in such manufacture,
 - (iii) the measures to be taken in order to ensure the proper filtering of the water used and the cleanliness of all apparatus and receptacles used, and
 - (iv) the attachment of labels or the adoption of other means for the purpose of identifying the factory at which each article was made
- (i) in the case of sellers of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread biscuits, cake, fruit vegetables aerated or other potable waters or ice) which are of a perishable nature, the disposal of any articles which may be found to be unwholesome

The Cantonment Code, 1912

(Chapter V—Trades, Callings and Occupations—Section 174)

(k) in the case of sellers of water to be used for drinking purposes,—

- (i) the sources from which such water shall be taken, and
- (ii) the taking of measures to ensure the cleanliness of mussuks or any other vessels or utensils used for carrying such water

(l) in the case of washermen, the places at which clothes may be washed, dried or kept

(m) in the case of dealers in hay, straw, wood, charcoal or other inflammable material—

- (i) the places at which such materials may be kept,
- (ii) the quantity which may be stored at any one place, and the manner of storing, and
- (iii) the precautions against fire to be taken by the dealer or the person in charge of the business

(n) in the case of dealers in fireworks, petroleum (in cases in which a license is required under this Code), kerosine oil or any other inflammable oil or spirit—

- (i) the places at which and the quantities in which, any such article may be stored or kept for sale, and
- (ii) the taking of any measures which the cantonment authority may consider necessary for the prevention of danger to life or property

(o) in the case of tanners and dyers, the taking of measures for regulating the discharge of refuse matter from their premises and for abating any nuisance arising from such premises and

(p) in the case of persons carrying on any trade or occupation from which offensive or unwholesome smells arise, the taking of any measures which the cantonment authority may consider necessary for the abatement of any nuisance arising from the premises

Explanation—For the purposes of clause (a), sub clause (iii), meat which has been subjected to the process of blowing shall be presumed to be unfit for human consumption

Power of cantonment authority to make bye laws as to vehicles etc.

174 The cantonment authority may, by bye laws,—

(a) render licenses necessary for the proprietors or drivers of vehicles, boats or animals kept or plying for hire within the cantonment, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked, and

(b) limit the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance or of animals hired to carry loads or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons when hired in the cantonment for a period not exceeding twenty four hours, or for a service which would ordinarily be performed within twenty four hours

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section by the canton Carriage Act, 1879, or dras Hackney Carriage he regulation of public 1891. Met Act of 1879

conveyances in the town, suburbs and harbour of Bombay) is in force, shall apply to any vehicle to which any of those Acts applies

Provided, secondly, that in no cantonment in which a cantonment committee has been constituted shall any bye laws be made except at a meeting of which at least six clear days' notice shall have been given

The Cantonment Code, 1912

(Chapter XI—Prevention and Treatment of Disease.—Sections 183-186)

(b) in default of such medical practitioner, being the owner or occupier of such dwelling and being cognizant of the existence of any infectious or contagious disorder therein; or,

(c) in default of such owner or occupier, being the person in charge of, or in attendance on, any person suffering from any infectious or contagious disorder in such dwelling and being cognizant of the existence of the disorder therein;

fails to give information or gives false information to the cantonment authority respecting the existence of such disorder, shall be punishable with fine which may extend to fifty rupees.

1 to give information in
or person, shall not be
to suppose that the in-

Provided, also, that this section shall not apply to venereal disease where the person suffering therefrom is under specific and adequate medical treatment, and, by reason of habits, conditions of life and residence, is unlikely to spread the disease.

Explanation—In this section, the expression 'infectious or contagious disorder' includes venereal disease.

Special measures
on outbreak
of infectious or
contagious
disorder among
inhabitants or
epidemic disease
among cattle

183. (1) In the event of the cantonment being at any time visited or threatened by an outbreak of any infectious or contagious disorder among [Cf. Bom Act 11 of 1883, s. 434 and 435]

(a) take such special measures, and,

(b) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he thinks necessary to prevent the outbreak of the disorder or disease or the spread thereof.

(2) Whoever commits a breach of any temporary regulation prescribed under sub section (1), shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code.

XLV of 1880.

Power to require
names of dairy-
men & customers
etc.

184. Where it is certified to the Cantonment Magistrate by a medical

Power to require
names of washer-
men & customers
etc.

185. Where it is certified to the Cantonment Magistrate by the Sanitary

Report after

186. Where, after inspection, the Sanitary Officer is of opinion that any likely to arise, from the con- from the washing of soiled any process employed by a cantonment Magistrate

The Cantonment Code, 1912

(Chapter XI.—Prevention and Treatment of Disease—Sections 187 192)

187. Upon receipt of a report submitted under section 186, the Cantonment Magistrate may, by notice in writing,—

Action on report submitted under section 186

- (a) prohibit the person in charge of the dairy from supplying milk therefrom until the notice has been withdrawn, or, as the case may be,
- (b) prohibit the washerman from washing soiled clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner or washes by such process as the Cantonment Magistrate may direct in the notice

188. The Cantonment Officer, or any medical officer of the Cantonment

189. Whoever—

Contamination of public conveyances.

- (a) enters a public conveyance while suffering from an infectious or contagious disorder which would be likely to be communicated to other persons using the conveyance; or
- (b) uses a public conveyance for the carriage of a person who is suffering from any such disorder, or
- (c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disorder;

shall be bound to notify the fact to the driver and to report to the Cantonment Magistrate the number of the conveyance and the name of the driver.

that has not already been done

Provided that, where in the opinion of the Cantonment Magistrate, the owner or occupier is, from poverty or any other cause, unable effectually to carry out any such requisition, the Cantonment Magistrate may, at the expense of the cantonment fund, cleanse or disinfect the building or part, or any articles therein likely to retain infection, or renew the said flooring.

the Destruction of is or infected but or ting, shed the

Provided that the cantonment authority shall pay to the owner such sum as may in the circumstances appear to it to be equitable for any loss incurred by reason of the destruction of such hut, shed or materials.

*The Cantonment Code, 1918 -**(Chapter XI - Prevention and Treatment of Disease - Sections 193-200)*

Temporary
shelter while
building is being
disinfected or
when infected
but is destroyed

193. The cantonment authority shall provide free of charge temporary

vided for them

Disinfection of
building and
articles therein
before letting
the building

194. Whoever lets a building or part of a building in which any person
om an in
part, dis
public or
retain in

fection

Explanation - For the purposes of this section, the keeper of a sarai shall be deemed to let part of a building to any person who is admitted as a guest into the sarai

Disposal of
infected article
without
disinfection

195. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he has reason to know has been exposed to contamination by any infectious or contagious disorder

Disposal of
infectious
matter

196. The cantonment authority shall by public notice prescribe the manner in which infectious excreta and other matter is to be dealt with or disposed of

Making or
selling of food,
etc., or washing
of clothes by
infected person,

197. Whoever, while suffering from an infectious or contagious disorder, -

(a) makes or offers for sale any article of food or drink for human consumption or any medicine or drug, or

(b) takes any part in the business of washing or carrying soiled clothes,

shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees

198. The Cantnment Authority shall -

person
Power to
restrict or
prohibit sale of
specified articles
of food or drink,
on outbreak of
infectious or
contagious
disorder

199. The Cantnment Authority shall -

Disposal of
infected corpse

200. Where any person has died from any infectious or contagious disorder, the Cantonment Magistrate may, by notice in writing, -

(a) require any person having charge of the corpse -

(i) to convey the same to a mortuary to be disposed of in accordance with law, or

(ii) to convey the same to a mortuary to be disposed of in accordance with law, or

(b) prohibit the removal of the corpse from the place where death occurred, except for the purpose of being buried, burnt or otherwise disposed of as aforesaid or of being conveyed to a mortuary

The Cantonment Code, 1912

(Chapter XI—Prevention and Treatment of Disease—Sections 201-203)

Hospitals and Dispensaries

201. (1) So far as the funds at its disposal permit, the cantonment authority may—

(a) provide and maintain, either within or without the cantonment, as many hospitals or dispensaries as may be necessary, or

(b) make, upon such terms as it thinks fit to impose, a grant-in aid to any hospital or dispensary, whether within or without the cantonment not maintained by it.

(2) Every hospital or dispensary maintained or aided under sub section (1) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious disorders

Explanation—In this section, the expression "infectious or contagious disorder" includes venereal disease

202. A Medical Officer, to be appointed in such manner as the Local Government may direct, shall be in charge of every hospital or dispensary maintained or aided under section 201

203. Subject to the control over the cantonment fund which is vested in the Local Government by section 21 of the Cantonments Act, 1910, there shall be appointed, for every hospital or dispensary maintained or aided under section 201, such subordinate establishment as may be necessary

204. So far as the funds at its disposal permit, the cantonment authority shall cause every hospital or dispensary maintained or aided under section 201, to be provided with—

(a) all requisite drugs, instruments, apparatus, furniture and appliances,

(b) sufficient cots, bedding and clothing for in patients, and

(c) such further requisites as may be necessary.

205. Every hospital or dispensary maintained or aided under section 201

think fit

Explanation—In this section, the expression "infectious or contagious disorder" includes venereal disease.

208. If the Medical Officer in charge of a hospital or dispensary main

The Cantonment Code, 1912

(Chapter XI — Prevention and Treatment of Disease — Sections 203 to 212 Chapter XII — Suppression of Mendicancy and Loitering and Removal of Disorderly Persons — Section 213)

Provided that if, having regard to the nature of the disorder, or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the Medical Officer considers the attendance of such person at the hospital or dispensary inexpedient, he may dispense with such attendance and take such measures or give such directions as he may think fit and proper

Explanation — In this section, the expression "infectious or contagious disorder" includes venereal disease

209 (1) If the Medical Officer in charge of hospital or dispensary maintained or aided under section 201 reports in writing to the Commanding Officer of the cantonment that any person, having received a notice as pro

tion in writing

that cantonment

210 No spirituous or fermented liquor or intoxicating drug or preparation shall be introduced into a hospital or dispensary maintained or aided under section 201 without the permission of the Medical Officer in charge

211 (1) No land in the cantonment shall be selected for use as a hospital or segregation camp without giving the Cantonment Magistrate and the Sanitary Officer an opportunity of stating their opinions upon the proposed selection

(2) Where any land in the cantonment is used as aforesaid, it shall be ploughed up as soon as practicable after it has ceased to be so used

Pilgrims

212. (1) The cantonment authority may provide or prescribe suitable routes for the use of persons passing through the cantonment—

(a) on their way to or from fairs or places of pilgrimage or other places of public resort, or

(b) during times when an infectious or contagious disorder is prevalent and may, by public notice, require such persons as aforesaid to use such routes and no others

(*) All routes provided or prescribed under sub section (1) shall be clearly and sufficiently indicated by the cantonment authority

CHAPTER XII

SUPPRESSION OF MENDICANCY AND LOITERING AND REMOVAL OF DISORDERLY PERSONS

Mendicancy

213 No mendicant shall, in any street or public place in the cantonment loiter or beg for alms

The Cantonment Code, 1912

(Chapter XII —Suppression of Mendicancy and Loitering and Removal of Disorderly Persons —Sections 214 to 216)

Loitering and Importuning

214. Whoever, in any street or public place in the cantonment, loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees Loitering or importuning for sexual immorality

Provided that no person shall be charged with a breach of the provisions of this section except on the complaint of the person importuned, or of an officer as defined in the Cantonments Act, 1910, in whose presence the breach was committed, or of a member of the British military police force employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, in whose presence the breach was committed or of any police officer, not below the rank of an officer in charge of a police station, who is employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment

Removal of Disorderly Persons

215. (1) The Cantonment Magistrate may, on receiving information that any person, whether resident in or frequenting the cantonment,— Removal and exclusion from cantonment of disorderly persons, etc

(a) is a disorderly person who has been convicted more than once of gambling, or who keeps or frequents a common gaming house, a disorderly drinking shop, or a disorderly house of any other description, or

(b) has been convicted more than once, either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Indian Penal Code, or

from re entering it

(2) Every summons issued under sub section (1) shall be accompanied by a copy of such order as aforesaid, and the copy shall be delivered by the officer serving the summons to the persons served with the same

(3) The Cantonment Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received, and take such further evidence as he thinks fit, and, if upon such

216. (1) The Commanding Officer of the cantonment, if he thinks it ex General power of removal and exclusion from cantonment

Provided that no such order as aforesaid shall be made—

(a) where the only reason for making it is that the person—

(i) is disorderly, or

The Cantonment Code, 1912

(Chapter XII—The Suppression of Mendicancy and Loitering and Removal of Disorderly Persons—Section 217 Chapter XIII—Care of Animals—Sections 218-221)

(ii) has been convicted of an offence punishable under Chapter XVII of the Indian Penal Code or section 156 of the Army Act, or XLV of 1900
44 & 45 Vict.
c 58.

(iii) has been ordered under Chapter VIII of the Code of Criminal Procedure 1898, to execute a bond for his good behaviour, or V of 1893

(b) unless the Commanding Officer of the cantonment thinks that the presence of the person in the cantonment is dangerous to good order or military discipline

(2) Save where the Commanding Officer of the cantonment

(3) Where an order is made under sub section (1) without the previous sanction of the Commanding Officer of the cantonment, the Officer Commanding the Division or the District shall send a copy of the order together with

Harbouring or concealing person ordered to remove from cantonment and prohibited from re-entering same
217 Whoever knowing that any person has under sections 209 215 or 216 been required to remove from the cantonment and has not obtained the requisite permission to re-enter it harbours or conceals such person in the cantonment shall be punishable with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees

CHAPTER XIII

CARE OF ANIMALS

Prevention of Cruelty

Cruelty to animals
218 Whoever ill uses tortures or cruelly beats any animal in the cantonment shall be punishable with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees

Extension of the Prevention of Cruelty to Animals Act 1890 to cantonments

(1) The Prevention of Cruelty to Animals Act 1890 shall apply to cantonments as if they were places under the Cattle Tresspass Act 1871

XI of 1890

I of 1871

(3) Where the Prevention of Cruelty to Animals Act 1890, has been extended to any cantonment, the provisions of section 218 of this Code shall cease to have effect therein XI of 1890.

Grazing

220 Every owner, or the person in charge, of an animal grazing on any land belonging to the Government in the cantonment shall be bound to keep it under proper care and control

221 (1) Where any animal is found grazing on land belonging to the Government in the cantonment, the Officer Commanding the Division or the District shall send a copy of the order together with

Animals grazing to be kept under proper care and control
(2) Where any animal is found grazing on land belonging to the Government in the cantonment, the Officer Commanding the Division or the District shall send a copy of the order together with

I of 1871

The Cantonment Code, 1912

(Chapter XIII—Care of Animals.—Section 222 Chapter XIV—Prevention of Fire—Sections 223-225 Chapter XV—Registration of Births and Deaths—Section 226)

(2) Every animal so sent to the pound shall be dealt with as if it had been impounded under the provisions of the said Act, and the provisions of the said Act shall apply thereto

(3) Every member of the police force employed in the cantonment shall when required, aid in preventing resistance to any such seizure as aforesaid and rescues from persons making such seizures

222. (1) Whoever takes delivery of any animal impounded from the pound keeper (if any) appointed under section 6 of the Cattle trespass Act, 1871, shall inform the pound keeper of the name of the owner of the animal and the name of the person who had charge of the same at the time of its seizure

Person taking delivery of animal from pound to state names of owner and person who had charge of the animal at time of seizure

(2) Whoever refuses to give the pound keeper the information required by this rule, or wilfully gives him false information, shall be punishable with fine which may extend to fifty rupees

CHAPTER XIV

PREVENTION OF FIRE

(a) stack or collect dry grass, straw or any other highly inflammable material, or

structures, in cantonment

(b) build a matted structure or a cooking place

(2) The cantonment authority may, by notice in writing, require any person who has stacked or collected any grass, straw or other highly inflammable material, or has built a matted structure or a cooking place, in contravention of the provisions of sub section (1), to remove such stack, collection or structure as aforesaid within a time to be specified in the notice

224 No person shall without the permission of the cantonment authority, or its officer, set up a fire balloon

or lighting bonfire without permission.

225 No person shall set a naked light on or near any building in any street or public place in the cantonment in such manner as to cause danger of fire

Setting naked light on or near building

Provided that this prohibition shall not extend to the use of lights, with the permission in writing of the cantonment authority, for purposes of illumination on the occasion of a festival or public or private entertainment.

CHAPTER XV

REGISTRATION OF BIRTHS AND DEATHS

226 (1) The Cantonment Magistrate shall maintain registers, in such forms as may be prescribed by the Local Government, of all births and deaths occurring in the cantonment

Registers of births and deaths to be maintained.

(2) No charge shall be made for the registration of any birth or death under this Chapter.

The Cantonment Code, 1912

(Chapter XV—Registration of Births and Deaths—Sections 227-230 Chapter XVI—Appointment of Agents by Absentee Owners—Sections 231-232)

Duty of head of house or family to report birth therein

227. The head for the time being of every house or family in which any birth occurs, shall, within eight days after the event, report the same to the Cantonment Magistrate, together with the following particulars, namely:—

- (a) the date of the birth, and the sex and name (if any), of the child,
- (b) the name, place of residence and occupation, and the caste or religion (if any), of the father, if the person making the report is willing to furnish these particulars, and
- (c) the name and place of residence of the person making the report

Duty of head of house or family to report death therein

228. The head for the time being of every house or family in which any death occurs, shall, within twenty four hours after the event, report the same to the Cantonment Magistrate, together with the following particulars, namely:—

- (a) the date of the death, the sex, name, age and occupation, and the caste or religion (if any) of the deceased, the cause of death, and the place of residence of the deceased at the time of death,
- (b) the name of the father, or, if the deceased was a married woman, the name of her husband, if the person making the report is willing to furnish these particulars, and
- (c) the name and place of residence of the person making the report

Duty of Medical Officers to report births and deaths

229. The Medical Officers of the Cantonment shall report to the Magistrate the births and deaths occurring in the Cantonment.

Penalty

230. Whoever fails to comply with the provisions of section 227 or section 228, shall be punishable with fine which may extend to five rupees

CHAPTER XVI

APPOINTMENT OF AGENTS BY ABSENTEE OWNERS

Duty of absentee owner to appoint agent

231. Every absentee owner of a house or family in which any birth or death occurs, shall, within eight days after the event, report the same to the Cantonment Magistrate, together with the following particulars, namely:—

Relief to agents and trustees.

232. Where any agent or trustee has claimed and established his right to relief from the provisions of sections 227 and 228, he shall be entitled to relief from the provisions of sections 227 and 228.

(2) The burden of proof of the facts entitling an agent or trustee to relief under sub-section (1) shall lie on him

(3) Where any agent or trustee has claimed and established his right to

*The Cantonment Code, 1912**(Chapter XVII—Inspection, Entry, Search and Arrest—Sections 233 235)*

CHAPTER XVII

INSPECTION, ENTRY, SEARCH AND ARREST

Inspection, Entry and Search

233. The Commanding Officer of the Cantonment may, by order, authorize any person to enter into or on any building or land for the purpose of inspecting the same, or for the purpose of searching for any prohibited article, or for the purpose of searching for any prohibited article, or for the purpose of searching for any prohibited article.

Commanding
the Brigade or
the District
Magistrate

234. The cantonment authority, by itself or by any person generally or specially authorized by it in this behalf, may—

Entry and
inspection by,
or by the
authority of
the cantonment
authority

(a) enter into or on any building or land for the purpose of—

- (i) removing any buildings or materials, or altering any building, in pursuance of a notice issued by the cantonment authority in accordance with the conditions of a lease executed under section 264, or
- (ii) resuming any land in pursuance of a notice issued by the Local Government in accordance with the conditions of a lease executed as aforesaid, or
- (iii) performing any act authorized by any of the provisions of sections 96 97 and 230, sub section (1), or
- (iv) making any inspection authorized by the provisions of section 83, sub section (1), or

(b) en

(c) enter into, or on and inspect any building or land in or on or with respect to which the cantonment authority has reason to believe—

- (i) that a breach of any of the provisions of this Code has been committed, or
- (ii) that any notice issued under this Code has not been duly complied with, or
- (iii) that any conditions imposed under this Code have not been duly observed, or
- (iv) that any notice should be issued under this Code, or
- (v) that any conditions should be imposed under the provisions of section 112 sub section (2) section 143 sub section (2), or section 173

235 The Sanitary Officer, by himself or by any Medical Officer of the Government specially deputed by him by an order in writing in this behalf, may—

Entry
inspection and
search by,
or by the
authority of,
the Sanitary
Officer

(a) enter into or on any building or land for the purpose of inspecting any receptacles or places provided under section 75 for the temporary deposit of offensive matter and rubbish, or

(b) enter into or on any building or land for the purpose of inspecting any receptacles or places provided under section 75 for the temporary deposit of offensive matter and rubbish, or

(c) enter into or on, and inspect, any building or land in or on which the Sanitary Officer has reason to believe that there is or has recently

*The Cantonment Code, 1912**(Chapter XII—Inspection, Entry, Search and Arrest—Section 236)*

been, any person suffering, or the corpse of any person who has died from any infectious or contagious disorder, and search for infected persons, corpses or articles therein or thereon, or

(d) en -

(e) enter into or on and inspect, any building or land in, on or with respect to which the Sanitary Officer has reason to believe—

- (i) that any such nuisance as is described in section 67, clause (d), clause (e) clause (o) or clause (p), has been committed, or
- (ii) that a breach of any of the provisions of sections 108, 126, 132, 150 to 154, 161, 175 to 178 and 187 has been committed, or
- (iii) that any notice issued under section 191, section 196 or section 198 has not been duly complied with, or
- (iv) that any conditions imposed under section 148, sub section (2), or section 173, and affecting sanitation or hygiene, have not been duly observed or
- (v) that the cantonment authority should be moved to issue a notice under sections 77, 81 82 84 85 86 102, 104 105 159 160 162, 165, 167, 169 192 or 199, or to take any action under section 83, sub section (7), or

(f) enter into and inspect any private slaughter house, or any structure therein for the purpose of assisting the Cantonment Magistrate in determining whether a license should be issued under section 129, or

(g) enter on and inspect any land which it is proposed to use as a burial or burning ground, for the purpose of ascertaining whether any such permission as is referred to in section 148, sub section (7) should be given, or

(h) en -

grant under section 10, or

(i) enter into or on and inspect, any building or land in or on which the Sanitary Officer has reason to believe that there is any animal or flesh which has been brought into the cantonment in contravention of section 137, or has been slaughtered in contravention of section 124, and search for such animal or flesh, or

(j) enter into or on and inspect, any building or land, for the purpose of—

- (i) ascertaining whether the Officer Commanding the Division should be moved to take any action under section 183 sub section (7), or
- (ii) advising the cantonment authority whether any, and if so what directions should be issued under section 92 sub section (1), clause (b) clause (c) or clause (d), or

(k) enter into or on and inspect, any building or land with respect to which the Sanitary Officer has reason to believe that the cantonment authority should be moved to issue a notice under section 79 section 85, section 86 or section 98

236 The Cantonment Magistrate, by himself or by any person generally or specially authorized by him in this behalf, may—

(a) enter into or on, and inspect, any building or land for the purpose of—

- (i) inquiring into occupation, ownership, agency, rights or any other matter required to be entered in any of the registers maintained under sections 271, 272 and 273, or

The Cantonment Code, 1912

(Chapter VIII—Inspection, Entry, Search and Arrest—Sections 237-247)

(ii) performing the duties imposed on the Cantonment Magistrate by section 17, sub section (2), section 69, section 72 or section 78, clause (b), sub clause (i), or

(iii) determining whether a license should be issued under section 117 or section 129, or

(iv) ascertaining whether a notice should be issued under section 187 or section 191, or

(v) cleansing or disinfecting a building or any articles therein, or renewing flooring in pursuance of the proviso to section 191, or

(b) enter into or on, and inspect any building or land in or on which the Cantonment Magistrate has reason to believe that there is the corpse of any person who has died from an infectious or contagious disorder, and search for such corpse, or

(c) enter into and inspect any building which is being used, or is intended to be used, as a theatre or place of public entertainment or resort or any structure therein for the purpose of enquiring into and testing the safety of such building or structure, or

(d) enter into and inspect any building or land in or on which the Cantonment Magistrate has reason to believe that there is the corpse of any person who has died from an infectious or contagious disorder, and search for such corpse, or

(e) enter any building in order to enforce its surrender in pursuance of the conditions of a lease executed under section 264

237 The Cantonment Magistrate or the Sanitary Officer may enter into any market or any structure therein, and inspect the same or any article therein in the performance of the duty imposed upon him by section 115

Entry into and inspection of markets by Sanitary Officer or Cantonment Magistrate

238 Where the cantonment authority has under section 60 sub section (1) provided for the performance by its agents of the duties usually per-

Entry by public contractors in cantonments

239 (1) Every entry made under any of the foregoing sections 233 to 237 shall be made between sunrise and sunset

Time of entry

(2) Any entry made under section 238 may be made at any reasonable time

240 When any building used as a human dwelling is entered under this Chapter due regard shall be paid to the social and religious sentiments of the occupiers and no apartment in the actual occupancy of a woman shall be entered under this Chapter until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing

Precautions to be observed in entering dwelling

241 Every entry and inspection made under section 234 clause (b) shall be made under such arrangements as shall ensure due regard for the religious feelings of the community concerned

Precautions to be observed in entering and inspecting burial or burning ground.

Arrest without Warrant

242 Any member of the police force employed in the cantonment may, without a warrant arrest any person committing in his view a breach of any of the provisions of this Code specified in the first column of Schedule IV

Arrest by police without warrant

The Cantonment Code, 1912

*(Chapter XVIII—Service of Summonses, Notices etc.—Sections 243 244
Chapter XIX—Appeal and Revision—Section 245)*

Provided first that in the case of the breach of any such provision as is specified in Part B of the said schedule no person shall be so arrested whose name and address are known to either the complainant or the arresting officer

Provided secondly that no person shall be so arrested who consents to give his name and address unless there is reasonable ground for doubting the accuracy of the name or address so given the burden of proof of which shall be on the arresting officer

Provided thirdly that no person so arrested shall be detained after his name and address have been ascertained

Provided fourthly that no person so arrested shall except under the order of a Magistrate be detained longer than may be necessary for bringing him before a Magistrate and

Provided fifthly that no person shall be so arrested for a breach of the provisions of section 214 except—

(a) at the request of the person importuned or of an officer as defined in the Cantonments Act 1910 in whose presence the breach was committed or

(b) with military police force authorized in this behalf in whose presence a police officer not below the rank of an officer in charge of a police station who is employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment

CHAPTER XVIII

SERVICE OF SUMMONSES, NOTICES, ETC

243 (1) Unless it is in this Code in any case otherwise expressly pro

(*) Where the usual place of abode or business of the person to whom the summons notice requisition or document is addressed is not in the cantonment it may be served by posting it in a registered cover addressed to his usual place of abode or business

(3) Where the usual place of abode or business of the owner of any property is not known any such summons notice requisition or document addressed to him as such owner may be served on the occupier

(4) Where the usual place of abode or business of the occupier of any property is not known any such summons notice requisition or document addressed to him as such occupier may be served by affixing it on some conspicuous part of the property

244 The service of a summons notice requisition or other document as aforesaid on any agent appointed by an absentee owner shall be deemed to be service on the owner

CHAPTER XIX

APPEAL AND REVISION

245 (1) Any person aggrieved by any of the executive orders described in the second column of Schedule V may appeal to the authority specified in that behalf in the third column of the said schedule

Service of
summonses
no less
requisitions
and other
documents

Service on
agents of
absentee
owners

Appeals from
executive
orders when
allowed and to
whom to be

The Cantonment Code, 1912

*(Chapter XIX—Appeal and Revision—Sections 246-249 Chapter XX.—
Committees of Arbitration—Section 250)*

(2) No such appeal shall be admitted unless made within the period specified in that behalf in the fourth column of the said schedule

(3) The period specified as aforesaid as the time allowed for making an appeal shall be computed in accordance with the provisions of the Indian Limitation Act, 1908, with respect to the computation of the period of limitation thereunder

246. (1) Every appeal under this Code shall be made by petition in writing accompanied by a copy of the order appealed against Petition of appeal.

(3) Where any such petition as aforesaid is presented direct to the appellate authority and an immediate order thereon is not necessary, the appellate authority may refer the petition for report to the authority which made the order appealed against

247. On the admission of an appeal from an order, other than an order suspending of action pending appeal contained in a notice issued under—

- (a) Section 78, clause (e),
- (b) Section 85,
- (c) Section 96,
- (d) Section 209, sub section (1),
- (e) Section 215, sub section (3), or
- (f) Section 216,

all proceedings to enforce the order and all prosecutions for any breach thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed to be an offence

Revision

249. Save as otherwise provided in section 248, the order of the appellate authority confirming, setting aside or modifying an order appealed against shall be final Finality of appellate order.

Provided that no order shall be confirmed, set aside or modified on appeal unless and until the appellant has had a reasonable opportunity of being heard

CHAPTER XX

COMMITTEES OF ARBITRATION

250. On a requisition being made to him under Condition XVIII or Condition XIX set forth in a lease executed under section 264 in Forms B or D in Schedule VI within the period mentioned in such Condition, the Commanding Officer of the cantonment shall forthwith proceed to convene a committee of arbitration— Obligation of Commanding Officer of cantonment to convene a committee of arbitration to decide question as to rent or repairs.

- (a) to determine the amount of monthly rent to be paid, or
- (b) to determine whether any, and, if so, what, repairs are necessary, and the extent to which they are necessary

*The Cantonment Code, 1912**(Chapter XX—Committees of Arbitration—Sections 251-255)*

251. The Commission of Cantonment or Officer of Cantonment to convene a committee of arbitration to decide questions as to condition of house or as to rent or repairs.

251. (1) On an application being made to him under Condition XX of Condition XXI set forth in a lease executed under section 264 in Forms B or D in Schedule VI the Commanding Officer of the cantonment may, after such inquiry as he may think fit to make, proceed to convene a committee of arbitration—

- (i) to determine whether the house has become unfit for occupation, or
- (ii) to determine the amount of monthly rent to be paid, or
- (c) to determine whether any and, if so, what, repairs are necessary, and the extent to which they are necessary, or
- (d) otherwise to determine the question in dispute.

(2) In the exercise of the discretion vested in him by this section, the Commanding Officer of the cantonment may refuse to convene a committee of arbitration on the ground that the application therefor is groundless or frivolous or for any other sufficient reason.

Obligation of Commanding Officer of cantonment to convene a committee of arbitration to determine amount of compensation payable.

Procedure for convening a committee of arbitration.

252. (1) Where a committee of arbitration is to be convened, the Commanding Officer of the cantonment shall cause an order to be published in Station Orders, stating the matter to be determined by the committee of arbitration.

Composition of committee of arbitration convened under section 250 or 251.

254. Every committee of arbitration convened under section 250 or 251 shall consist of—

- (a) the District Magistrate or, if it is inconvenient for him to act, some Magistrate, being a justice of the peace, appointed by him to act in his stead,
- (b) a member to be nominated by the officer concerned, and
- (c) a member to be nominated by the lessee.

appoint a member in the place of such nominee

Composition of committee of arbitration convened under section 252.

255. Every committee of arbitration convened under section 252 shall consist of—

- (a) the District Magistrate or, if it is inconvenient for him to act, some Magistrate, being a justice of the peace, appointed by him to act in his stead,
- (i) a member to be nominated by the person or persons concerned, and
- (c) a member to be nominated by the cantonment authority.

Provided that, if such person or persons concerned as aforesaid fails or fail to nominate a member within seven clear days from the date on which he or they is or are called upon to do so, or if any member who has been nominated

The Cantonment Code, 1912

(Chapter XX — Committees of Arbitration — Sections 256-260 Chapter XXI — Applications for Building sites on Government Land in Cantonments — Sections 261-262)

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persons
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member in the place of such nominee

ing of the foregoing provisions

257. When a committee of arbitration has been duly constituted, the Cantonment Magistrate shall, by notice in writing, inform each of the members of the fact, and the committee of arbitration shall assemble within seven clear days from the service of the notice

258. The District Magistrate or the Magistrate appointed by him to act in his stead shall be the chairman of every committee of arbitration

259. For the purpose of determining the amount of monthly rent to be

neighbourhood by tenants

260 (1) The decision of every committee of arbitration shall be determined by the majority of the votes taken at a meeting at which all the members are present

(2) The decision of every committee of arbitration shall be final

CHAPTER XXI

APPLICATIONS FOR BUILDING SITES ON GOVERNMENT LAND IN CANTONMENTS

261. Every application for permission to occupy for the purposes of a building site, land belonging to the Government in a cantonment shall be submitted to the cantonment authority in writing, and shall contain the following particulars, namely —

- the situation, area and boundaries of the land,
- the materials to be used in the intended buildings,
- the period after the date of occupation within which the intended buildings are to be completed, and
- the purposes for which the land and the intended buildings are to be used

262. Every application made under section 261 shall be accompanied by—

- a plan, on a scale not smaller than one hundred and ten feet to the inch, showing—
 - the boundaries of the land,
 - the roads or lands adjoining, and
 - all buildings intended to be erected on the land;

ly

available

Assembly of committee of arbitration

Chairman of committee of arbitration

Calculation of rent by committee of arbitration

Decision of committee of arbitration to be by vote and final

Application for permission to occupy Government land for building sites

Documents to accompany applications

The Cantonment Code, 1912

(Chapter XVI—Applications for Building sites on Government Land in Cantonments—Section 265 Chapter XVII—Registration of Immovable Property in Cantonments—Sections 266 268)

Chapter

(2) To every lease and to its counterpart there shall be appended a site plan of the land prepared at the cost of the applicant on a scale not smaller than one hundred and ten feet to the inch, showing—

- (a) the boundaries of the land,
- (b) the roads or lands adjoining, and
- (c) all buildings authorised to be erected on the land

(3) The site plan shall be verified by the Executive Engineer and shall be signed,—

- (a) if the land is situate in a bazar, by the Cantonment Magistrate,
- (o) if the land is not situate in a bazar, by the Officer Commanding the Brigade, or if there is no such officer the Commanding Officer of the cantonment,

and shall be endorsed with the date of its preparation, the name of the lessee and a note specifying the period within which the buildings to be erected on the land are to be completed

(4) One copy of the site plan, prepared at the cost of the applicant and verified by the Executive Engineer, shall be delivered by the applicant to the cantonment authority

265. When the requirements of section 264 have been complied with the cantonment authority shall— Grant and record of leases

(1) grant to the applicant the lease with site plan annexed and deliver to

Indepen

signature
copy of

CHAPTER XXII

REGISTRATION OF IMMOVABLE PROPERTY IN CANTONMENTS

266. The cantonment authority shall prepare and maintain a general plan of the cantonment, on a scale of not less than twelve inches to the mile, showing all necessary details and distinguishing in particular— General plan

(a) all houses (if any) which have been set apart, in accordance with the conditions of leases executed under section 264, for occupation by civil officers, and

(b) all land (if any) which does not belong to the Government, and all houses (if any) situate thereon

267. The cantonment authority shall also prepare and maintain a bazar plan, on a scale not smaller than one hundred and ten feet to the inch, of every bazar in the cantonment Bazar-plan.

268. (1) Every site shall be shown under a distinguishing number on the plans prepared under this Chapter, and the numbers for each bazar shall form a separate series sites and streets to be distinguished

(2) Every street shall be shown on such plans as aforesaid by its name or under an alphabetical letter or number.

(Chapter XVII—Registration of Immoveable Property in Cantonments—
Sections 269-272)

269 (i) Every plan prepared under this Chapter shall, on completion, be dated and authenticated by the signature of the Executive Engineer

(2) Whenever a general plan prepared under section 266 is altered, the alteration shall be explained on the plan in a memorandum dated and signed by the Executive Engineer.

270 No plan
of the cantonment
mitted with an

particulars so far as they can be ascertained, namely —

- () the name of the cantonment and the number and date of any orders defining it to be a cantonment or defining its limits,
 (f) a reference to any similar register kept before the commencement of the Cantonment Code, 1899.
 (c) the date of registry of the site
 (d) the number of the site, as shown on the General Plan maintained under section 266,
 (e) the dimensions of the site,
 (f) the boundaries of the site,
 (g) in " Can site the the

- (k) the name and description of the lessee at the date of registry,
- (l) the name and description of the lessee's agent (if any) at the date of registry,
- (m) the nature of the lessee's right under this and the Cantonment Code, 1899, or under any other provision of law, including the particulars of any special right of occupancy;
- (n) the estimated value of buildings on the site at the date of registry,
- (o) the dates of authorities to add to buildings, and
- (p) all changes occurring from time to time, whether by transfer, by alterations or additions, by decisions of committees of arbitration, in dimensions, in value, or in agency

Explanation—In this section, the expression "date of registry" means the date of entry in the register maintained hereunder

the 1990s, the number of people in the world who are illiterate has increased from 1.2 billion to 1.5 billion. The number of illiterate people in the world is projected to reach 1.7 billion by the year 2015. The number of illiterate people in the world is projected to reach 1.7 billion by the year 2015.

particulars so far as they can be ascertained, namely —

- (a) the name of the bazar,
- (b) a reference to any similar register kept before the commencement of the Cantonment Code, 1899,
- (c) the date of registry of the site,
- (d) the number of the site as shown on the map plan maintained under section 267,
- (e) the dimensions of the site,
- (f) the boundaries of the site.

The Cantonment Code, 1912

(Chapter XXII.—Registration of Immovable Property in Cantonments — Sections 273-274)

(g) in the case of a site occupied before the commencement of the Cantonment Code, the date of registration of the site, the commencement of the use executed by the lessee

- (h) the name and description of the lessee at the date of registry,
- (i) the name and description of the lessee's agent (if any) at the date of registry,
- (j) the estimated value of buildings on the site at the date of registry, and
- (k) all changes occurring from time to time, whether by transfer, by alterations or additions, in dimensions, in value, or in agency

Explanation—In this section, the expression "date of registry" means the date of entry in the register maintained hereunder

273. The Cantonment Magistrate shall maintain a register showing, in a register of all land (if any) which is private property, and the buildings situated on private land thereon, the following particulars, so far as they can be ascertained, namely—

- (a) the name of the cantonment, and the number and date of any orders declaring it to be a cantonment or defining its limits,
- (b) a reference to any similar register kept before the commencement of the Cantonment Code, 1909,
- (c) the date of registry of the site,
- (d) the number of the site as shown on the general plan,
- (e) the dimensions of the site,
- (f) the boundaries of the site,
- (g) the name and description of the owner at the date of registry
- (h) the name and description of the owner's agent (if any) at the date of registry,
- (i) the particulars of the owner's right by reference to any acknowledgment by the Government, or any other proof,
- (j) the estimated value of buildings on the site at the date of registry, and
- (k) all changes occurring from time to time, whether by transfer, by alterations or additions, in dimensions, in value, or in agency

Explanation—In this section the expression "date of registry" means the date of entry in the register maintained hereunder

274. (1) The Cantonment Magistrate shall maintain a register of transfers, in which he shall from time to time enter references to all transfers of immovable property— Register of transfers

- (a) registered in his own office, where he is himself Registrar or Sub Registrar of the cantonment under the Indian Registration Act, 1908, or
- (b) appearing in the copies forwarded to him by the Registrar of the district under section 29, sub section (*), of the Cantonments Act, 1910,

as the case may be

(2) The register of transfers shall contain the following particulars, namely—

- (a) a serial number for each transfer,
- (b) the date of registry,
- (c) the distinguishing number of the site as recorded in the register maintained under sections 271, 272 or 273, as the case may be,
- (d) the name of the transferor,
- (e) the name of the transferee,

The Cantonment Code, 1913

(Chapter XXII—Registration of Transferrable Property in Cantonments—Sections 275-276) (Chapter XXIII—Supplemental—Sections 277-279)

- (1) the nature of the transfer that is to say whether by sale or mortgage, gift or exchange or bequest
(2) the date of the transfer and

(3) where the cantonment has been constituted a district or sub-district for the purposes of the Indian Registration Act, 1907 references to XVI of the Index Nos. I, II and III kept in the cantonment under sections 54 and 55 of that Act

Explanation. In this section the expression "date of registry" means the date of entry in the register maintained hereunder

275 References when possible to the serial number in the register of transfers shall be sent stored in the registers maintained under sections 271, 272 and 273 respectively of changes occurring by transfer

276 The authorities mentioned in section 271 clause (a) of this Act shall make an inspection of the registers maintained under sections 271, 272 and 273 respectively at least once in every year

when all the registers referred to in section 271 clause (a) of this Act are inspected and when the last inspection has taken place the last register shall be closed and a copy of the same shall be sent to the Magistrate as follows

- (1) whether any of the registers referred to in section 271 clause (a) of this Act require renewal

The authorities mentioned in section 271 clause (a) of this Act shall after taking an inspection under section 276 and shall send a brief report to the Magistrate commanding the cantonment in which the case may be if any action taken by it under this section

CHAPTER XXIII

SUPPLEMENTAL

Livewoods

277 The authorities mentioned in section 271 clause (a) of this Act may in a fully constituted cantonment make live laws for regulating or prohibiting the cutting or destruction of trees or shrubs or the making of excavations or removal of soil or quarries, where such regulation or prohibition appears to be necessary for the preservation of the water supply for the main channel of a water supply or for the preservation of the soil or the prevention of landslides or of the formation of ravines or torrents or the protection of land against erosion or the deposit of stones or sand or gravel or stones

Provided that in no cantonment in which a Cantonment Committee has been constituted shall any live law be made except at a meeting of which at least one year in advance notice shall have been given

278 (1) In making a live law under section 277 or section 279 the authorities mentioned in section 271 clause (a) of this Act shall be guided by the following principles:—(a) that the live law shall be made in such a manner as to be consistent with the public interest and the general welfare of the cantonment and (b) that the live law shall be made in such a manner as to be consistent with the public interest and the general welfare of the cantonment and (c) that the live law shall be made in such a manner as to be consistent with the public interest and the general welfare of the cantonment

(2) In lieu of or in addition to any live law made under section 277 or section 279 the Magistrate may require the owner to remove the same or so far as it is possible to do so

279 (1) No live law made under section 277 or section 279 shall come into force until it has been confirmed by the Local Government and published in the official gazette and in such manner as the Local Government may prescribe in this behalf

(2) The Local Government may cancel or amend any such live law and thereupon the same shall cease to have effect

It is hereby notified that the provisions of the Cantonment Code, 1913, are hereby published for the purpose of giving notice thereof to the public.

Annual inspection of registers

276. It is hereby notified that the provisions of the Cantonment Code, 1913, are hereby published for the purpose of giving notice thereof to the public.

Provision for the removal of live woods

Confirmation of live laws

(1) of this Act

(2) of this Act

(3) of this Act

(4) of this Act

(5) of this Act

(6) of this Act

(7) of this Act

(8) of this Act

(9) of this Act

(10) of this Act

(11) of this Act

(12) of this Act

(13) of this Act

The Cantonment Code, 1912

(Chapter XVIII — Supplemental — Sections 280-286)

280 (1) The cantonment authority shall, before making any bye laws under section 174 or section 277, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of

Procedure in making bye-laws

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether or not the draft shall be republished for further criticism under this section

Delegation of Functions

281 (1) With the previous sanction of the Governor General in Council the Local Government may, by order published in the local official Gazette, authorize any person mentioned in such order to discharge any of the functions imposed by this Code on the Cantonment Magistrate, except those imposed by Chapter XVI

Delegation of functions of Cantonment Magistrate

Provided, first, that a person so authorized shall discharge such of the said functions only as the Cantonment Magistrate may by order in writing assign to him, and

Provided secondly, that the Cantonment Magistrate may, by a like order, resume any functions which he may have so assigned

(2) In the discharge of any functions so assigned to him such person as aforesaid shall, under the control of the Cantonment Magistrate have the same powers and responsibilities as the Cantonment Magistrate

Delegation of functions of the Officer Commanding the Division

283 (1) The Cantonment Committee may by order in writing, delegate any of its functions to a sub-committee consisting of any two or more of the members of the Cantonment Committee

Delegation of Cantonment Committee's functions to sub-committee

(2) Every order passed by a sub-committee appointed under sub-section (1) shall have the same effect as an order of the Cantonment Committee

Provided that the Cantonment Committee may in any particular case, require that any order so passed be submitted to it for confirmation before issue

Notices

106 OF THIS SECTION

285 Where it is the owner, lessee or occupier the occupier are different primarily liable to comply with them

Provided that where there is no owner or lessee resident in the cantonment, the delivery of the notice to the occupier shall be sufficient.

286 Every notice issued by the cantonment authority under this Code shall be signed—

Authentication and validity of notice issued by cantonment authority

(a) by the President or Secretary of the Cantonment Committee (if any), or

SCHEDULE I.

FORM I.

(See Chapter IV.)

[illegible]

The Cantonment Code, 1918

SCHEDULE I.

No. of Com- mittee	From whom received.	Parti- culars of receipts.	Major Head	Minor heads and sub-heads.	Major Head	Minor heads and sub-heads.	Total of each receipt	Daily total carried to Cash Book
	Budget Estimate							
	Total for the month							
	Add total to end of last month							
	Total from 1st April to date							

FORM 2

RECEIPT.

[To be retained in Cantonment Authority's Office]

No. _____

Dated _____

Received from _____

on account of _____

Rs _____

[To be given to the person from whom the money is received]

No. _____, Dated _____

Received from _____

on account of _____

Rs _____

SCHEDULE I

Signed _____

CANTONMENT FUND CHEQUE.

Cheque Book No. _____

Cheque No. _____

Dated _____, 19__.

SCHEDULE I

To the Officer in charge of the Treasury at _____

Pay to _____

and charge to the _____

Rs. _____

Cantonment Fund

Under
Rs.

Signed _____

Secretary, Cantonment Committee,

or

President, Cantonment Committee,

or

Commanding Officer of the Cantonment

This cheque is current for three months only.

The Cantonment Code, 1912

SCHEDULE I

FORM 6.

Imprest Register of the _____

Amount of Imprest, Rs _____

Date	No. of Sub-Voucher.	To whom paid.	Particulars of payments	CLASSIFICATION		Amount
				Major Head	Minor head and sub head	
		Total drawn from treasury by Cheque No. _____ on Voucher No. _____				

SCHEDULE I

FORM 8

*Budget Estimate of Receipts of the——Cantonment Fund
for the financial year 19 -19 .*

Heads of Receipts	Average 12 19 19 19 19 (past three years)	Actual 19 19 (past year)	ESTIMATED 19 19 (CURRENT YEAR)		Estimated 19 19 (con- sulting)	Explanatory Remarks.
			Original	Revised		
	Rs	Rs	Rs	Rs	Rs	
I—Land Revenue—						
Income from land the property of the fund						
II—Assessed Taxes—						
Taxes upon houses lands and compounds						
Conservancy taxes and fees						
Water rates						
Tax on trades and professions we gimen etc						
Octroi						
Miscellaneous (including taxes on horses, dogs and carriages)						
TOTAL OF II						
III—Medical—						
Miscellaneous Receipts						
IV—Minor Departments—						
Agriculture—						
Public Gardens						
Sanitation—						
Sales of Manure etc						
Water-Supply—						
Receipts, other taxes						
TOTAL OF IV						
V—Miscellaneous—(a)						
Fees Fines and Forfeitures						
Sales of old materials						
Contributions { Provincial and Local Grants						
Rents of houses { Subscriptions						
Sales of fruit grass wood etc						
Found receipts						
Other Miscellaneous Receipts (sla gitter house ma kets etc)						
TOTAL OF V						

(a) Details of each sub-head to be given in Appendix B.

SCHEDULE I
FORM 8

Budget Estimate of Receipts of the _____ Cantonment Fund
for the financial year 19 -19 -concl'd

Heads of Receipts	Average 10 to 19 (past three years)	Actual 19 (past year)	ESTIMATE 19 (CURRENT YEAR)		Estimate 19 (pending year)	Explanatory Remarks
			Original	Revised		
VI—Public Works—	Rs	Rs	Rs	Rs	Rs	
Tolls and Ferries						
Miscellaneous						
Total of VI						
VII—Interest on Government Security—						
Total Receipts from local sources						
VIII—Grants in aid						
From Grant 18—Army Estimates						
From						
From						
Total Grants in aid						
Total income from all sources						
IX—Deposits and Advances						
Opening Balance*						
GRAND TOTAL						

* Includes investments of previous years shown in Appendix G

Secretary, Cantonment } President, Cantonment Committee,
Committee } or
Commanding Officer of the
Cantonment

OFFICE OF THE CANTONMENT AUTHORITY,

Dated _____

19 _____

Sanctioned

General Officer Commanding,

Division _____

Independent Brigade

Station _____

Dated _____

The Cantonment Code, 1912

SCHEDULE I

FORM 8

Budget Estimate of Expenditure of the _____ Cantonment
Fund for the financial year 19 -19

Heads of Expenditure	Average 19 19 19 (past three years)	Actuals 19 19 (past year)	ESTIMATE, 19 19 . (CURRENT YEAR)		Estimate 19 19 (con- sisting year)	Explanatory Remarks.
	Rs.	Rs.	Original	Revised.	Rs.	
1 -Refunds— Refunds of Taxes Miscellaneous Refunds						
Total of 1						
2 -Charges for Collection of Revenue— Collecting Establishments Contingencies						
Total of 2						
3 -General Administration— Cantonment Magistrate Assistant Cantonment Magistrate Establishments Contingencies						
Total of 3						
4 -Law and Justice { Courts of Law Jails						
Total of 4						
5 -Grants to Charitable and Educational Institutions						
6 -Medical— Hospitals and Dispensaries— Establishments Contingencies Vaccination— Establishments Contingencies Epidemics, etc.— Establishments Contingencies						
Total of 6						
7 -Minor Department— Public Gardens Tree Land and Forests— Establishments Contingencies Lighting— Establishments Contingencies Conveyance— Establishments Contingencies Water-supply— Amount credited to Head XXXI— Military Works Establishments Contingencies						
Total of 7						

SCHEDULE I

FORM 8.

*Budget Estimate of Expenditure of the _____ Cantonment
Fund for the financial year 19 -19 —concl.*

Heads of Expenditure	Average, 19 10 to 19 -19 (past three years)	Actuals, 19 -19 (past year)	Estimate, 19 19 (CURRENT YEAR)		Estimate 19 19 (en- suing year)	Explanatory Remarks
	Rs	Rs	Original	Revised	Rs	
8—Superannuations—						
Pensions (a)						
Contributions towards Provident Fund						
TOTAL OF 8						
9—Miscellaneous—						
Rents Rates and Taxes						
Petty Establishments						
Contingencies						
Ponds { Establishments						
{ Contingencies						
TOTAL OF 9						
10—Public Works—						
<i>Original Works—</i>						
Buildings						
Roads						
Other works						
<i>Maintenance and Repairs—</i>						
Buildings						
Roads						
Other works						
Petty construction and repairs						
TOTAL OF 10						
TOTAL EXPENDITURE						
11—Repayment of Deposits and Advances—						
Closing Balance						
GRAND TOTAL						

(a) Sanctioned prior to the commencement of the Cantonment Code 1909 which does not now allow the grant of pensions or gratuities

Secretary, Cantonment } President, Cantonment Committee,
Committee. } or
Commanding Officer of the
Cantonment.

OFFICE OF THE CANTONMENT AUTHORITY;

Dated

19

Sanctioned.

General Officer Commanding,

Division

Independent Brigade

Station—

Dated

The Cantonment Code, 1912

SCHEDULE I

FORM S — APPENDIX A

Detailed List of Establishment provided for in the Budget
 Estimate of the ——— Cantonment for the year 19 —19

1	2	3	4	5	Explanatory Remarks.
Major head	Detail with rate of pay per month	Actuals 19 19 (past year)	Revised Estimate 19 19 (current year)	Estimate 19 19 (ensuing year)	
2—Collection of Revenue—					
3 General Administration—					
6—Medical—					
Hospital and Dispensary					
Vaccination					
Epidemics					
7—Minor Departments—					
Public Gardens etc					
Lighting					
8—Conservancy—					
General Station					
Sadar Bazar					
Latrines					
Water-supply					
9—Miscellaneous					
Petty establishments					
Found establishment					

SCHEDULE I

FORM S.—APPENDIX B

*Detailed List of Expenditure provided for in the
Contingent Fund Budget Estimates other than that in-
cluded in Appendices A, C, and D.*

1	2	3	4	5	6
Year head.	X year head.	Details.	Amount, 1916 (past year)	Revised estimate, 1916 (present year).	Estimated, 1917 (next year).
1.—Refunds		Refunds of Taxes.			
		Miscellaneous Refunds.			
2.—Collection of Revenue.		Contingencies.			
3.—General Adminis- tration.		Contingencies.			

SCHEDULE I
FORM 8—APPENDIX B—*contd*

1	2	3	4	5	6
Major head.	Minor head.	Details.	Actuals, 1918-19 (past year)	Revised Estimate, 1918-19 (current year)	Estimate 1919-20 (ensuing year)
4.—Law and Justice.	Courts of Law Jails				
5.—Grants to Charitable and Edu- cational Institu- tions					
	Hospitals and Dispensaries contingencies				
6.—Medi- cal	Vaccination contingencies				
	Epidemics, etc contingencies				

SCHEDULE I

FORM 8—APPENDIX C

Major Head "10.—Public Works"

Details of Budget Estimate for Original Works (construction of Buildings, Roads, Latrines, etc.) in the Cantonment for the year 19

1	2	3	4	5	6	7
Sub-heads	Nature of each work	Estimated cost of work.	* Revised Estimate for current year	Previously expended	Estimate for (ensuing year)	Remains
Buildings . . .	Total "Buildings"					
Roads . . .	Total "Roads"					
Other works . . .	Total "Other Works"					

Note—Column 3 will show the entire cost of the work, column 4, the sum sanctioned for expenditure during the current year, column 5, the amount previously expended since commencement of the work, and column 6, the amount proposed for expenditure during the ensuing year. Thus, if the work is to be completed during the ensuing year, the total of columns 4, 5 and 6 will equal that in column 3, otherwise the difference will show the amount which will still be required to complete the work.

*The totals in column 4 will agree with the allotments made in the body of the revised estimate for the current year.

The Cantonment Code, 1912
SCHEDULE I

FORM 8—APPENDIX D.

MUNICIPALITY "10—Public Works"

Details of Budget Estimate for Maintenance and Repairs in the _____ *Cantonment for the year* _____

Sub heads	Nature of each work.	Actuals 19 19 (past year)	Revised Peti tional estimate, 19 19 (current year)	Estimate (ensuing year)	Remarks
Buildings	Total "Buildings "				
Roads	Total "Roads "				
Other works	Total "Other Works "				
Petty Construction and Repairs	Total "Petty Construction and Repairs				

FORM A.
TAX DEMAND REGISTER.

The Contents at Code 102

SCHEIDT II - See section 57.3

MOULDER No. 17

LAND TAX DEPT
(T)

Note.—Tax on the second harvest collected in advance in the first year.

[illegible]

A.

the five years 10 -10 to 10 -10 .

Royal with open fly leaves.)

in red ink below the entries of collections for the first half. The page totals should also be similarly made.]

[illegible]

[SCHEDULE II.—See section 57.]

FORM

MUNL. FORM No 19

PROFESSION and Trade Tax

[illegible]

The Government Code, 1912

13.

Register for the year 19 -19 .

[illegible]

The Contonment Code, 1912

C.

Fees for the year 19 - 19 .

Number of leaf		System		Remitted or written off		Palances of first ha / year retained / 2g at the end of that ha / year	Collections in										Remitted or written off		Palances at the end of the year transferred to the arrears demand register	Remarks				
		let	Amount	Amount	Number in remission register		Oct 4-er	November	December	January	February	March	Amount	Number in remission register										
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
	R	A	P	R	A	P	R	A	P	R	A	P	R	A	P	R	A	P	R	A	P	R	A	P

[SCHEDULE II —See section 57]

FORM

MUNL FORM No 28.

APPEAR Demand Register from the years 19 -19 to 19 -19

(To be printed in open

[illegible]

[SCHEDULE II See section 57]

FORM

MUN. FORM No 35

REGISTER OF

(Article 143) (To be

Note—The clerk concerned should note the number of each warrant issued against the corresponding assessment num
When property is distrained a note to that effect should be made in column 21. Separate sets of pages
consecutive numbers should be set aside. The numbers of the warrants issued to each of these officers

Warrant number	Name of party	Date of presentation of bill	Date of issue of warrant	Assessment number	Tax on arts		Tax on buildings		Tax on lands	
					Amount of tax involved	Amount of tax collected	Amount of tax involved	Amount of tax collected	Amount of tax involved	Amount of tax collected
1	2	3	4	5	6	7	8	9	10	11
					Rs	a	Rs	a	Rs	a
					p	p	p	p	p	p

Account of outstanding balance										
Warrant fee collected.	Warrant number	Assessment number	Tax on arts		Tax on buildings		Tax on lands		Water and drainage tax	
			Amount of tax involved	Amount of tax collected	Amount of tax involved	Amount of tax collected	Amount of tax involved	Amount of tax collected	Amount of tax involved	Amount of tax collected
12	13	14	15	16	17	18	19	20	21	22
Rs			Rs	a	Rs	a	Rs	a	Rs	a
p			p	p	p	p	p	p	p	p

[14] A. I. Mal'cev, *On the theory of the representations of the groups of the type $(n, 2)$* , *Tr. Semin. nauch. issled. Ser. Mat. Nauk.* 10 (1952), no. 1, 1-11.

$$f_{\text{reg}} \in \Lambda_1[u, v, w] \quad \forall (v, w) \in \mathcal{V}_1 \times \mathcal{V}_1 \quad \text{if } \text{off} \geq \text{cell} \cdot \ell$$

Year	Month	Day	Time	Location	Remarks
1943	1	1	10:00	San Francisco	Left for Los Angeles
1943	1	2	10:00	Los Angeles	Arrived at Los Angeles
1943	1	3	10:00	Los Angeles	Left for San Francisco
1943	1	4	10:00	San Francisco	Arrived at San Francisco
1943	1	5	10:00	San Francisco	Left for Los Angeles
1943	1	6	10:00	Los Angeles	Arrived at Los Angeles
1943	1	7	10:00	Los Angeles	Left for San Francisco
1943	1	8	10:00	San Francisco	Arrived at San Francisco
1943	1	9	10:00	San Francisco	Left for Los Angeles
1943	1	10	10:00	Los Angeles	Arrived at Los Angeles
1943	1	11	10:00	Los Angeles	Left for San Francisco
1943	1	12	10:00	San Francisco	Arrived at San Francisco
1943	1	13	10:00	San Francisco	Left for Los Angeles
1943	1	14	10:00	Los Angeles	Arrived at Los Angeles
1943	1	15	10:00	Los Angeles	Left for San Francisco
1943	1	16	10:00	San Francisco	Arrived at San Francisco
1943	1	17	10:00	San Francisco	Left for Los Angeles
1943	1	18	10:00	Los Angeles	Arrived at Los Angeles
1943	1	19	10:00	Los Angeles	Left for San Francisco
1943	1	20	10:00	San Francisco	Arrived at San Francisco
1943	1	21	10:00	San Francisco	Left for Los Angeles
1943	1	22	10:00	Los Angeles	Arrived at Los Angeles
1943	1	23	10:00	Los Angeles	Left for San Francisco
1943	1	24	10:00	San Francisco	Arrived at San Francisco
1943	1	25	10:00	San Francisco	Left for Los Angeles
1943	1	26	10:00	Los Angeles	Arrived at Los Angeles
1943	1	27	10:00	Los Angeles	Left for San Francisco
1943	1	28	10:00	San Francisco	Arrived at San Francisco
1943	1	29	10:00	San Francisco	Left for Los Angeles
1943	1	30	10:00	Los Angeles	Arrived at Los Angeles
1943	1	31	10:00	Los Angeles	Left for San Francisco
1943	2	1	10:00	San Francisco	Arrived at San Francisco
1943	2	2	10:00	San Francisco	Left for Los Angeles
1943	2	3	10:00	Los Angeles	Arrived at Los Angeles
1943	2	4	10:00	Los Angeles	Left for San Francisco
1943	2	5	10:00	San Francisco	Arrived at San Francisco
1943	2	6	10:00	San Francisco	Left for Los Angeles
1943	2	7	10:00	Los Angeles	Arrived at Los Angeles
1943	2	8	10:00	Los Angeles	Left for San Francisco
1943	2	9	10:00	San Francisco	Arrived at San Francisco
1943	2	10	10:00	San Francisco	Left for Los Angeles
1943	2	11	10:00	Los Angeles	Arrived at Los Angeles
1943	2	12	10:00	Los Angeles	Left for San Francisco
1943	2	13	10:00	San Francisco	Arrived at San Francisco
1943	2	14	10:00	San Francisco	Left for Los Angeles
1943	2	15	10:00	Los Angeles	Arrived at Los Angeles
1943	2	16	10:00	Los Angeles	Left for San Francisco
1943	2	17	10:00	San Francisco	Arrived at San Francisco
1943	2	18	10:00	San Francisco	Left for Los Angeles
1943	2	19	10:00	Los Angeles	Arrived at Los Angeles
1943	2	20	10:00	Los Angeles	Left for San Francisco
1943	2	21	10:00	San Francisco	Arrived at San Francisco
1943	2	22	10:00	San Francisco	Left for Los Angeles
1943	2	23	10:00	Los Angeles	Arrived at Los Angeles
1943	2	24	10:00	Los Angeles	Left for San Francisco
1943	2	25	10:00	San Francisco	Arrived at San Francisco
1943	2	26	10:00	San Francisco	Left for Los Angeles
1943	2	27	10:00	Los Angeles	Arrived at Los Angeles
1943	2	28	10:00	Los Angeles	Left for San Francisco
1943	2	29	10:00	San Francisco	Arrived at San Francisco
1943	2	30	10:00	San Francisco	Left for Los Angeles
1943	2	31	10:00	Los Angeles	Arrived at Los Angeles
1943	3	1	10:00	Los Angeles	Left for San Francisco
1943	3	2	10:00	San Francisco	Arrived at San Francisco
1943	3	3	10:00	San Francisco	Left for Los Angeles
1943	3	4	10:00	Los Angeles	Arrived at Los Angeles

The Cantonment Code, 1912

[Schedule II — See section 57.]

FORM H

MUSL FORM No 47.

Register of Tax on Vehicles, Animals and Carts for the half-year ending 30th September 19 -19 31st March

COLLECTION

(Article 173) (To be printed on open doml.)

[Note — Collections made on warrants and special licenses should be entered in a separate part of this register set aside for the purpose. Column 22 only should be totalled daily and the result posted in column 23.]

1	2	3	4	Vehicles with springs								Carts and other vehicles without springs					
				Four wheeled, etc., Rs 10		Four wheeled, etc., Rs 5		Two wheeled, etc., Rs 2		Other vehicles, etc., Rs 3		License number or numbers		Amount of tax, Rs. 2		Fees for numbering carts, and penalties.	
Date of collection	Schedule number	Name of party	Address	License number or numbers	Amount	License number or numbers	Amount	License number or numbers	Amount	License number or numbers	Amount	License number or numbers	Amount	License number or numbers	Amount	License number or numbers	Amount
				5	6	7	8	9	10	11	12	13	14	15	16	17	18

Carried over

61-

[illegible]

The Cantonment Code, 1912

SCHEDULE III

(See section 208)

FORM OF NOTICE TO ATTEND AT HOSPITAL, ETC

To _____

Take notice that, under section 208 of the Cantonment Code, 1912, you are hereby called upon to attend at the _____
 _____ on _____ day,
 the _____, 19____, at _____ o'clock _____, and
 not to quit the said _____ without the permission of the
 Medical Officer in charge, unless and until that Officer is satisfied
 that you are not in fact suffering, or are no longer suffering, from
 an infectious or contagious disorder, that is to say, from _____

Medical Officer in charge of the

Dated _____, *the* _____, 19— .

The Cantonment Code, 1912

SCHEDULE IV

(See section 242)

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT.

1	2
Section	Subject
PART A	
67 (a) (i)	Drunkenness etc
197	Making or selling of food etc, or washing of clothes, by infected person
277	In contravention of bye law cutting or destroying trees or shrubs or making excavations, etc, in bill cantonment
PART B	
37 (a) (ii)	Using threatening or abusive words etc
67 (a) (iii)	Indecent exposure of person, etc
67 (a) (iv)	Begging
67 (a) (v)	Exposing deformity etc
67 (a) (vi)	Gaming
67 (a) (vii)	Destroying public notice, etc
67 (a) (viii)	Breaking down post, etc
67 (g)	Keeping common gaming house, etc
67 (h)	Intruding on bathing place etc
67 (i)	Playing music
67 (j) . . .	Singing, etc., so as to disturb public peace or order
67 (k) . . .	Firing gun, or doing other act so as to frighten animals or cause annoyance or danger
67 (n)	Baiting
90 (2) . . .	Destroying, etc, name of street or number affixed to building
140 . . .	Rash riding or driving

*The Cantonment Code, 1912*SCHEDULE IV —*contd*

1	2
Section	Subject

PART B —*contd*

141	. Riding or driving at time or in manner prohibited
142	. Driving, etc., between nightfall and dawn without a suitable lamp
144	Leaving vehicle or animal without proper control
146	. Obstructing street.
161	. Polluting source of public drinking water supply
162	Impairing quality, or diminishing quantity, of water in source of public drinking water supply or injuring or impairing usefulness of water works
163	Trespass on water-works
166	Throwing corpse into a source of public water supply
170	Bathing or washing at public well or spring so as to pollute the water
176	Feeding animal on filth, etc
209 (2)	. Remaining in, or re entering cantonment after notice of expulsion for failure to attend hospital or dispensary
210	Introducing liquor or drug into hospital or dispensary
213	. Mendicancy
214	. Loitering or importuning for sexual immorality
215 (3)	} Remaining in, or returning to a cantonment after notice of expulsion
216	
218	. Cruelty to animals.
224	. Letting off fireworks, etc., without permission

The Cantonment Code, 1912

SCHEDULE V

(See Chapter XIX)

APPEALS FROM EXECUTIVE ORDERS

1	2	3	4
Section	Executive order	Appellate authority	Time allowed for appeal.
21	Cantonment Magistrate's order dismissing servant of cantonment authority— (i) whose salary is less than twenty five rupees a month, (ii) whose salary is not less than twenty five rupees a month	Cantonment authority Officer Commanding the Division	Thirty days from date of order
70 (e)	Cantonment authority's notice to provide sufficient drainage	Ditto ditto	Fifteen days from service of notice
82	Cantonment authority's notice to fill up a tank or marshy ground or to drain off or remove waste or stagnant water	Ditto ditto	Thirty days from service of notice
87	Cantonment authority's notice requiring a building to be repaired or altered so as to remove sanitary defects	Ditto ditto	Ditto
92 (1)	Cantonment authority's refusal to sanction the erection or re-erection of a building	Ditto ditto	Thirty days from date of refusal
92 (3)	Cantonment authority's notice to alter or demolish a building	Ditto ditto	Thirty days from service of notice
97	Cantonment authority's notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, water-course or water pipe	Ditto ditto	Ditto

*The Cantonment Code, 1879*SCHEDULE V — *contd*

1	2	3	4
Section	Executive order	Appellate authority	Time allowed for appeal
96	Cantonment authority's notice to repair, protect or enclose a building, well, tank, reservoir, pool, depression or excavation	Officer Commanding the Division	Thirty days from service of notice
97	Cantonment authority's notice to remove a building, wall or structure or anything affixed thereto, or a bank or tree, or to repair a building, wall, structure or bank	Ditto ditto	Ditto
110 (1)	Cantonment authority's notice to close a sarai	District Magistrate	Ditto
119 (3)	Cantonment authority's notice to close a market.	Officer Commanding the Division	Ditto
129	Cantonment authority's notice prohibiting or restricting the use of a slaughter-house	District Magistrate	Twenty one days from service of notice
209	Order of Commanding Officer of cantonment, on report of Medical Officer, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission	I — The Commander in Chief if the Commanding Officer of the cantonment is the Officer Commanding the Division II — The Officer Commanding the Division in all other cases	Thirty days from service of notice
210 (3)	Cantonment Magistrate's notice directing a person to remove from the cantonment and prohibiting him from re-entering it without permission	District Magistrate	Ditto

The Cantonment Code, 1919

SCHEDULE V—*concl'd*

1	2	3	4
Section	Executive order	Appellate authority	Time allowed for appeal
216	Cantonment Magistrate's notice issued on order of the Commanding Officer of cantonment directing a person to remove from the cantonment and prohibiting him from re-entering it without permission	I—The Commander in Chief if the Commanding Officer of the cantonment is the Officer Commanding the Division II—The Officer Commanding the Division in all other cases	Thirty days from service of notice
251 (2)	Order of Commanding Officer of cantonment refusing to convene a committee of arbitration	I—The Commander in-Chief if the Commanding Officer of the cantonment is the Officer Commanding the Division II—The Officer Commanding the Division in all other cases	Thirty days from date of order
264 and Schedule VI (Conditions of Lease)	Cantonment authority's notice in pursuance of conditions of lease requiring a lessee to let a house, not already occupied by military officer, to a military officer	Officer Commanding the Division	Twenty-on days from service of notice
	Cantonment authority's notice in pursuance of conditions of lease requiring a lessee to let a house to a civil officer	Ditto ditto	Ditto
	Cantonment authority's notice, in pursuance of conditions of lease, requiring a tenant to vacate a house	Ditto ditto	Ditto

The Cantonment Code, 1912

SCHEDULE VI

(SEE SECTION 264)

FORM A *

(Form of Lease to be executed in cases of land applied for by a Railway Company or for the purpose of erecting a hospital, school or other public building)

This Indenture made the _____ day of _____
Between the Secretary of State for India in Council (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns) of the one part, and

(Hereinafter called the Lessee (s) which expression where the context so admits shall include ^{its} ~~their~~ successors and assigns) of the other part.

Whereas the Lessee (s) ^{has} ~~have~~ applied for permission to occupy, for the purposes of a building site, the land belonging to the Government in the Cantonment which is delineated in the site plan hereto appended, and ^{has} ~~have~~ by sections _____

_____ Officer Com-

Now this Indenture witnesseth as follows—

The Secretary of State doth hereby grant unto the Lessee (s) liberty and license to enter into and upon the piece or parcel of land delineated in the site plan hereto appended and henceforth to occupy the same as a site for the erection of buildings and henceforth to hold and enjoy the same and any buildings erected by ^{it} ~~them~~ thereon subject to the conditions set forth in the annexure hereto

2 The Lessee (s) hereby covenant (s) with the Secretary of State that the Lessee shall and will (duly pay the said rent in the manner provided in the annexure hereto and) observe all and every the conditions hereinbefore referred to and on ^{its} ~~their~~ part to be observed—

When the parties execute on separate dates omit the words "the day and year first above written" and add the dates below the signatures. The last of such dates will be entered in the commencement as the day of making the indenture

In Witness whereof the Secretary of State has hereunto set his hand and seal and the Lessee (s) has caused its common seal to be affixed ^{the day and year first above written.}

Strike out to suit facts

Signed, Sealed and Delivered by the Officer }
Commanding the

Division acting in the premises for and on }
behalf of the Secretary of State for India in }
Council in the presence of _____ }

The common seal of the _____ }
Company }
was hereto affixed in the presence of _____ }

OR
Signed, Sealed and Delivered by the above- }
named _____ }
in the }
presence of _____ }

* Copies of the Form, with the annexure, will be obtainable gratis on application to the Cantonment Magistrate.

The Cantonment Code, 1912

SCHEDULE VI—contd.

ANNEXURE TO FORM A.

Code's 1912

Condition I.—The buildings to be erected on the land shall be commenced within six months from the execution of the lease and shall be completed within the period specified in the order endorsed on such plan or within such further period (if any) as the authority which sanctioned the application under Chapter XIII of the Cantonment Code, 1912, may, by order in writing, allow.

Condition II.—(1) The said buildings shall be erected in accordance with the particulars specified in the Lessee (i), application under sections 271 and 272 of the said Cantonment Code and the plans and documents accompanying the same and the sub-plan appended hereto where a proposed building, alteration or addition is not in accordance therewith then in accordance with such further or other particulars as may be permitted in writing by the authority which sanctioned the application under Chapter XIII of the said Code.

(2) Any such permission may be made subject to any conditions which may be agreed upon between such authority and the Lessee (i).

Condition III.—The land shall not be used for any purposes other than those specified in the Lessee (i) application under section 271, clause (d), of the Cantonment Code, 1912, nor shall the buildings erected on the land be permitted to fall into such a state as absolutely to prevent their being used for the purposes so specified. Provided always that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, epidemic or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified then and in such case the Lessee (i) shall within six calendar months from such destruction or injury as aforesaid commence to rebuild the same and shall restate the same fit for use for the purposes aforesaid within such period not exceeding two years after the same shall have been so destroyed or injured as aforesaid as to the Officer Commanding the Division shall seem fit provided nevertheless that in no such case shall the Lessee (i) be required to restate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury.

Condition III (d).—The Lessee (i) shall pay the said yearly rent of Rs. by equal monthly instalments of Rs. The clause to be struck out if the land and the said instalments shall be paid on the 15th day of every month during the continuance of the demise for the month immediately preceding.

Condition IV.—(1) Whenever the Lessee (i) intend (i) to transfer by power to any transfer of Lessee's interest sale gift, mortgage or exchange the interest in the land or in the buildings erected on the land or in any part of the land or buildings ^{the} ~~the~~ or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(2) The Officer Commanding the Division shall have power within the said period of one month and with the concurrence of the Local Government to impose by order in writing his veto on any such transfer, and, if in any case the Cantonment Authority considers desirable that the said power of veto shall be exercised, it shall report the case to such Officer Commanding the Division without delay.

(3) If notice of any such transfer is not given as aforesaid or if any such transfer is made after the same has been vetoed by the transfer shall be void.

The Contingent Code, 1912

SCHEDULE VI—cont'd

Condition F—Every person on whom the Lessee(s) interest in the land or in the buildings erected on the land may devolve by transfer, by succession, or by operation of law shall send to the Cantonment Authority within one month from the date of such devolution a report in writing of the fact together with such particulars as may be required by that Authority for entry in the register maintained under section 71 or 272 as the case may be of the Cantonment Code, 1912

Condition VI — (1) If the Lessee (s) ^{does}/_{do} not commence or complete as required by Condition I the buildings to be erected on the land the Cantonment Authority may, by notice in writing, require ^{it}/_{them} to remove all or any buildings or materials which ^{it}/_{they} may have erected or collected thereon and if ^{it}/_{they} fail (s) to comply with such notice the Cantonment Authority may after giving ^{it}/_{them} six hours' further notice in writing cause such removal to be effected and recover the cost from ^{it}/_{them} and may also cancel the lease

(2) If the Lessee (s) erect (s) any building or make (s) any alteration or addition otherwise than as allowed by or under Condition II the Cantonment Authority may, by notice in writing, require $\frac{it}{them}$ to remove the building or to alter the same to its satisfaction and if $\frac{it}{they}$ fail (s) to comply with such notice of the Cantonment Authority, may after giving $\frac{it}{them}$ six hours further notice in writing cause such removal or alteration to be effected and recover the cost from $\frac{it}{them}$.

Condition VII-(1) If the land is ever sold or conveyed to any person other than the heirs of the original grantee, the land shall revert to the United States.	them
Forfeiture for breach of any other condition	specified
	subject to
Condition IX hold the land for ever without interruption by the Secretary of State	

(2) If the Lessee(s) shall [fail to pay the said* rent of Rs for 21 days after the same shall become due or shall] in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone or other act of God fail to commence rebuilding the same as provided in Condition III, hereof with: to reimburse the same fit for use and within such period as therein hereinbefore specified other than (to be observed the

Local Government may after giving one month's notice in writing resume possession of the land or any portion thereof and may on such resumption declare all or any part of the right and interest of the Lessee (s) in the buildings erected on the land to be forfeited.

Condition VIII—The Lessee (s) shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition VI or Condition VII clause (2)

Condition IX—The Local Government may resume possession of the said land or any portion thereof at any time upon giving one calendar month's previous notice in writing in that behalf to the Lessee (s) under the hand of some duly authorised officer and upon paying to the Lessee (s) compensation for such erections and buildings standing on the land of which possession shall be resumed as aforesaid as shall have been erected during the said term under proper authority. If there shall be any dispute as to the amount of such compensation the same shall be referred to a Committee of

The Cantonment Code, 1912

SCHEDULE VI—*contd*

Arbitration which shall be constituted as provided in Chapter XX of the Cantonment Code, 1912, and the Lessee (s) shall be bound by the decision of such Committee. In calculating the amount of such compensation there shall be taken into account the following —

- (i) The original cost of materials and construction
- (ii) The condition of the buildings and their value at the date of resumption
- (iii) The rent or profit (if any) or the equivalent which the Lessee may receive or enjoy from the use of the buildings or on account thereof.
- (iv) The period within which the buildings would become the property of Government without payment of any compensation to the Lessee

The Lessee shall not at any time during the said term remove the buildings erected on the said land or any part thereof nor make any structural alteration thereof or addition thereto without the like written permission as is mentioned in Condition II hereof

FORM B *

(See Section 251)

(Form of lease for an indefinite term to be executed in cases of extensions of existing sites; or where it is desired to regularise existing grants, or in other exceptional cases where the grant of leases in forms A, C and D is not suitable)

This indenture, made the _____ day of _____, 19____, Between the Secretary of State for India in Council (hereafter called the Secretary of State which expression where the context so admits shall include his successors in office and as gus) of the one part, and

son of
of

(hereinafter called the Lessee which expression where the context so admits shall include his heirs, executors administrators and as gus) of the other part

Witnesseth that the said Lessee has applied to the Secretary of State for India in Council for the grant of a lease of the land described in the schedule annexed to this instrument in accordance with the provisions of section 251 of the Cantonment Code, 1912;

And whereas the said application has received the sanction of the Officer Commanding the

Division;

Now this Indenture Witnesseth as follows

I, The Secretary of State doth hereby grant unto the Lessee liberty and license to enter into and upon the piece or parcel of land delineated in the map hereunto appended, and to occupy the same as a site for the erection of buildings and hereforth to hold and enjoy the same and any buildings erected by him thereon,† subject to the conditions set forth in the annexure hereto.

† Fill in as the case may be, "free of rent but," or "on lease to the payment of the yearly sum of rupees and."

*The Cantonment Code, 1912*SCHEDULE VI—*contd.*

Condition I—The land shall not be used for any purpose other than those specified in the Lessee's application under section 261 clause (d), of the Cantonment Code 1912; nor shall the buildings erected on the land be permitted to fall into such a state as absolutely to prevent their being used for the purposes so specified

Commencement and completion of buildings

such further period under Chapter XX allow

Condition II—(1)

Erection of buildings

the plans and document hereto or where a proposal

herewith then in accordance with such further or other particulars as may be permitted in writing by the authority which sanctioned the application under Chapter XXI of the said Code

(2) Any such permission may be given subject to any conditions which may be agreed upon between such authority and the Lessee

Condition III—The land shall not be used for any purpose other than those specified in the Lessee's application under section 261 clause (d), of the Cantonment Code 1912; nor shall the buildings erected on the land be permitted to fall into such a state as absolutely to prevent their being used for the purposes so specified

Provided always that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire cyclone or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified then and in such case the Lessee shall within six calendar months from such destruction or injury as aforesaid commence to rebuild the same and shall restate the same

Condition III—A—The Lessee shall pay the said yearly rent of rupees by equal monthly instalments of rupees and the said instalments shall be paid on the 15th day of every month during the continuance of this demise for the month immediately preceding

* This clause to be struck out if the land is rent free

Condition IV—(1) Whenever the Lessee's interest in certain cases

Power to veto transfer of mortgage, or the building the land or shall give the Cantonment Magistrate or transfer is completed

(2) The Officer Commanding the Division shall have power, within the said period of one month, by order in writing, cantonment authority be exercised, it shall be without delay

(3) If notice of any such transfer is not given as aforesaid, or if any such transfer is made after the same has been vetoed, the transfer shall be void

Condition V—Every person on whom the Lessee's interest in the land, or in

The Cantonment Code, 1912

SCHEDULE VI—contd

Right of the Government to appropriate the house for occupation by any military or civil officer

Condition FI.—The Government reserves a right, subject to the conditions hereinafter contained, to appropriate the house at any time for occupation by any military officer or civil officer

Condition FII—If the

Agreement to vacate to be executed when house is let to any person other than a military or civil officer

Lessee lets the house to any person other than a military officer or (if the house has been set apart in accordance with Condition X for occupation by civil officers) a civil officer, possession of the house shall not be given until—

- (a) such person has executed a stamped agreement undertaking to vacate the house whenever required so to do in pursuance of a notice issued under Condition VIII or Condition X without claiming any compensation and has registered such agreement under the law for the time being in force relating to the registration of documents, and
- (b) the Lessee has forwarded an attested copy of such agreement to the cantonment authority

Condition VIII—Whenever the cantonment authority considers that the right

Appropriation of house for a military officer where it is not already occupied by a military officer

reserved by Condition VI should be exercised on behalf of any military officer it may, if the house is not already occupied by a military officer, and if it has not been set apart in accordance with Condition X

for occupation by civil officers, by notice in writing—

- (a) require the Lessee to let the house to the military officer named in the notice and
- (b) require the existing tenant (if any) to vacate the same

Condition IX—If the house is occupied by a departmental military officer

Appropriation of house for a military officer where it is occupied by another military officer

and the cantonment authority considers that the right reserved by Condition VI should be exercised in behalf of a regimental officer, or *vice versa*, it may by notice in writing, require the officer in

occupation to vacate the house, and may, if necessary, by further notice in writing, require the Lessee to accept the change of tenancy

Condition X—(1) The cantonment authority may, at any time, with the

Appropriation of house for civil officers

previous sanction of the Officer Commanding the Division given with the concurrence of the Local Government, set apart the house for occupation by civil officers.

(2) If the house has been so set apart, the arrangement shall not be revoked without the concurrence of the Local Government

(3) If, while the house is so set apart, the cantonment authority at any time considers that the right reserved by Condition VI should be exercised in behalf of any civil officer, it may, if the house is not already occupied by a civil officer, by notice in writing—

- (a) require the Lessee to let the house to the civil officer named in the notice, and
- (b) require the existing tenant (if any) to vacate the same

Condition XI—(1) Whenever a military officer or a civil officer considers that

Procedure to be observed before appropriating house.

a notice should be issued in his behalf under Condition VIII, Condition IX or Condition X, he may request (in the case of a regimental officer) the Commanding Officer of his regiment, or (in the case of a departmental military officer) the local head of his department, or (in the case of a civil officer) the District Magistrate, to make an application to that effect to the Cantonment authority.

(2) On receipt of any such application the cantonment authority shall enquire into the case, and it shall not issue the notice unless it is satisfied—

- (a) that the officer ought to reside in the cantonment, and
- (b) that the circumstances are such as to require its intervention, and
- (c) that the rent offered by the officer for the house is reasonable, and

The Cantonment Code, 1912.

SCHEDULE VI—*contd*

Condition XXIII—If the Lessee fails to comply with any notice issued under clause (1) of Condition XIX and has not, within fifteen days from the service of such notice required that the matter be referred to a committee of arbitration, or

the tenant of the house may himself cause the repairs specified in the notice to be executed at rates not exceeding those paid in the cantonment by the Military Works Department or the Public Works Department, and may deduct the cost thereof from the rent, or otherwise recover it from the Lessee

Condition XXIV—(1) If the Lessee does not commence or complete as

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the cantonment authority may,

Condition XXV—(1) Forfeiture for breach of any other condition

Condition XXVI—The Lessee shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition XXIV or Condition XXV, clause (2)

Condition XXVII—The Local Government may resume the land or any portion thereof at any time after giving one month's notice in writing, and on payment of compensation for such buildings standing on the land or portion thereof as shall have been erected under proper authority. If there shall be any dispute as to the amount of such compensation, the same shall be referred to a committee of arbitration, which shall be constituted as provided in Chapter XX of the Cantonment Code, 1912, and the Lessee shall be bound by the decision of the committee of arbitration

The Cantonment Code, 1912

SCHEDULE VI—contd

FORM C.*

(See Section 264)

(Form of Lease for a term of years)

THIS INDENTURE made the _____ day of _____ Between the Secretary of State for India in Council (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns) of the one part and

son of

of

(hereinafter called the Lessee which expression where the context so admits shall include his heirs, executors, administrators and assigns) of the other part Whereas the Lessee has applied for permission to occupy for the purpose of a building site the land belonging to the Government in the Cantonment which is delineated in the site plan hereto appended and has submitted with his application the particulars and documents required by sections 261 and 262 of the Cantonment Code 1912, and whereas the said application has received the sanction of the Cantonment Authority of _____
Now this Indenture witnesseth as follows—

1 The Secretary of State doth hereby grant unto the Lessee liberty and license to enter into and upon the piece or parcel of land delineated in the site plan hereto appended and henceforth to occupy the same as a site for the erection of buildings and henceforth to hold and enjoy the same and any buildings erected by him thereon † subject to the conditions set forth in the annexure hereto

† Fill in as the case may be
 * Free of rent but † or subject
 to the payment of the yearly
 rent of Rs _____ and †

2 The Lessee doth hereby covenant with the Secretary of State that the Lessee shall and will [duly pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on his part to be observed.

When the parties execute on separate dates omit the words 'the day and year first above written' and add the dates below the signatures. The last of such dates will be entered in the commencement as the day of making the Indenture

In witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered by the Officer Commanding the _____ Division acting in the premises for and on behalf of the Secretary of State for India in Council in the presence of _____

Signed, Sealed and Delivered by the abovesigned _____ in the presence of _____

The Cantonment Code, 1912

SCHEDULE VI—contd.

ANNEXURE TO FORM C

Conditions

Condition I—The Lessee shall, at his own expense, cause to be commenced and completed the erection of buildings, the note and used authority which may be required by the Cantonment Code, 1912, may, by order in writing, allow

Condition II—(1) The said buildings shall be erected in accordance with the particulars specified in the lessee's application under sections 261 and 262 of the said Cantonment Code and the plans and documents accompanying the same and the site plan appended thereto, and no alteration or addition is not in accordance with the further or other particulars as may be specified in the order which sanctioned the application under

(2) Any such permission may be made subject to any conditions which may be agreed upon between such authority and the Lessee

Condition III—The land shall not be used for any purposes other than those specified in the Lessee's application under section 261, clause (d) of the Cantonment Code 1912, nor shall the buildings erected on the land be permitted to fall into such a state as absolutely to prevent their being used for the purposes so specified, provided always that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, cyclone or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified, then and in such case, the Lessee shall within six calendar months from such destruction or injury as afore-

said, that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury

Condition III (a)—The Lessee shall pay the said yearly rent of Rs.

This clause to be struck out if the land is rent free. The said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding

Condition IV—(1) Whenever the Lessee intends to transfer by sale, gift, mortgage, or exchange his interest in the land or in the buildings erected on the land or in any part of the land or buildings he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed

(3) If in the case of any such transfer is not given as aforesaid, or if any transfer is made after the same has been vetoed the transfer shall be void

Condition V—Every person on whom the Lessee's interest in the land or in the buildings erected on the land, may devolve by transfer, by succession or by operation of law shall send to the Cantonment Authority within one month from the date of such devolution a report in writing of the fact together with such particulars as may be required by that authority for entry in the register maintained under section 271 or 272, as case may be, of the Cantonment Code, 1912.

The Cantonment Code, 1918

SCHEDULE VI—*contd.*

Condition VI.—(1) If the Lessee does not commence or complete as required by IC land

writing, require him to remove a
have erected or collected thereon; a
Cantonment Authority may, after
cause such removal to be effected an
cancel the lease

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by the Local Government

omitted if the land is rent-free of years computed from the day of
without interruption by the Secretary of State

(2) At the expiry of the said term of years the lessee may be granted a
renewal of the lease for a further period of years,
To be struck out in cases where such renewal and the period thereof to be at the dis-
it is intended that the lease shall cretion of the General Officer Commanding the
not be renewable Division

(3) If the Lessee shall [fail to pay the said rent of Rs. for 21
† The words in brackets to be days after the same shall become due or shall] in
be struck out if the land is rent-free the event of the said buildings being destroyed or

resumption, declare all or any part of the right and interest of the Lessee, in the
buildings erected on the land to be forfeited.

Condition VIII.—The Lessee shall not be entitled to compensation for any
Claims to compensation loss incurred by reason of any thing done in pur-
barred. suance of Condition VI or Condition VII, clause
(2).

Land and building to be deli- **Condition IX.—**(1) At the expiration of the said
vered up at end of term without term of years the Lessee shall deliver up to the
compensation and right of Local Government and without receiving any com-
Government to resume land pensation whatever the land comprised in this demise
prior to expiration of term on together with all erections and buildings which may
payment of compensation be then standing thereon
To be struck out when sub-
clause (2) is to be used

If there shall be any dispute as to the amount of such compensation, the same
shall be referred to a Committee of Arbitration as hereinafter provided.

Provided always that the Local Government may, at any time prior to the
expiration of the said term, resume possession of the said land or any part on
thereof upon giving one calendar month's previous notice in writing in that behalf

The Cantonment Code, 1912

SCHEDULE VI—*contd.*

by the Lessee under the hand of some duly authorized officer and upon paying to the Lessee compensation for such structures and buildings standing on the land of which possession shall be resumed as aforesaid as shall have been erected during the said term under proper authority. If there shall be any dispute as to the amount of such compensation the same shall be referred to a Committee of Arbitration which shall be constituted as provided in Chapter XX of the Cantonment Code, 1912, and the Lessee shall be bound by the decision of such Committee. In calculating the amount of such compensation there shall be taken into account the following:—

- (i) The original cost of materials and construction.
- (ii) The condition of the buildings and their value at the date of resumption.
- (iii) The rent or profit (if any) or the equivalent which the Lessee may receive or enjoy from the use of the buildings or on account thereof.
- (iv) The period within which the buildings would become the property of Government without payment of any compensation to the Lessee.

The Lessee shall not at any time during the said term, remove the buildings erected on the said land or any part thereof nor make any structural alteration thereof or addition thereto without the like written permission as is mentioned in Condition II hereof.

FORM D.*

(See SECTION 214.)

(Form of Lease to be executed in all cases other than those for which Forms A, B and C are prescribed.)

This Indenture made the _____ day of _____

Between the Secretary of State for India in Council hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns of the one part and _____

son of _____ of _____

(hereinafter called the Lessee which expression where the context so admits shall include his heirs, executors, administrators, representatives and assigns) of the other part. Whereas the Lessee has applied for permission to occupy for the purposes of a building site, the land belonging to the Government in the _____ Cantonment which is delineated in the situation hereto appended and has submitted with his application the plans and documents required by sections 267 and 268 of the Cantonment Code, 1912. And whereas the said application has received the sanction of the Officer Commanding the Division,

Now this Indenture witnesseth as follows:—

1. The Secretary of State doth hereby grant unto the Lessee liberty and power to enter into and upon the piece or parcel of land delineated in the situation hereto appended and to occupy the same as a site for the erection of buildings and hereinafter to build and enjoy the same and any buildings erected by him thereon

if it in so the same may be to the use of the said Lessee and to the payment of the yearly rent of Rs. _____ and "

subject to the conditions set forth in the annexure hereto—

* Copies of this Form, with the signature will be obtainable gratis on application to the Cantonment Engineer.

The Cantonment Code, 1912

SCHEDULE VI—contd

2. The Lessee doth hereby covenant with the Secretary of State that the Lessee shall and will duly [pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on his part to be observed *In Witness* whereof the said parties hereto have hereunto set their hands and seals the day and year first above written—

Strike out words in brackets if no rent payable

When the parties execute on separate dates omit the words "the day and year first above written" and add the dates below the signatures. The last of such dates will be entered in the commencement as the day of making the Indenture

Signed, Sealed and Delivered by
the Officer Commanding the Division
acting in the premises for and on behalf of the
Secretary of State for India in Council in the
presence of
Signed, Sealed and Delivered by the abovenamed
in the presence of

ANNEXURE TO FORM D

Conditions

In these conditions:—

(a) "house" means the house erected on the land occupied by the

(b)

(c)

(d)

military officer, and

shall be commenced
erection of the lease,
the period specified
b plan or within such
as the authority which
under Chapter XXI of

the Cantonment Code, 1912, may, by order in writing, allow

Condition II—(1) The said buildings shall be erected in accordance with the particulars specified in the Lessee's application under sections 261 and 262 of the said Cantonment Code and the plans and documents accompanying the same and the site plan appended hereto or where

Erection of buildings.

a proposed building, alteration or addition is not in accordance therewith then in accordance with such further or other particulars as may be permitted in writing by the authority which sanctioned the application under Chapter XXI of the said Code

The Cantonment Code, 1912

SCHEDULE VI.—*contd*

(2) Any such permission may be given subject to any conditions which may be agreed upon between such authority and the Lessee

Condition III—The land shall not be used for any purposes other than those specified in the Lessee's application under section 261, clause (d) of the Cantonment Code, 1912, nor shall the buildings erected on the land be permitted to fall into such a state as absolutely to prevent their being used for the purposes so specified.

Use of land and maintenance of buildings

Provided always that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, cyclone or other act of God or shall

Officer Commanding the Division shall seem fit. *Provided nevertheless* that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury

Condition III (A)—The Lessee shall pay the said yearly rent of Rs by equal monthly instalments of Rs

This clause to be struck out if the land is rent free

and the said instalments shall be paid on the 15th day of every month during the continuance of this demise for the month immediately preceding.

Condition IV (1)—Whenever the Lessee intends to transfer by sale, gift, mortgage or exchange his interest in the land or in the buildings erected on the land, or in any part of the land or buildings he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed

Power to veto transfer of Lessee's interest in certain cases.

(2) The Officer Commanding the Division shall have power within the said delay.

(3) If notice of any such transfer is not given as aforesaid or if any such transfer is made after the same has been vetoed the transfer shall be void

Condition V—Every person on whom the Lessee's interest in the land or in the buildings erected on the land may devolve by transfer, by succession, or by operation of law, shall send to the Cantonment Authority within one month from the date of such devolution, a report in writing of the fact together with such particulars as may be required by that authority for entry in the register maintained under section 271 or section 273 as the case may be, of the Cantonment Code, 1912

Report of devolution of Lessee's interest

Condition VI—The Secretary of State reserves a right subject to the conditions hereinafter contained to appropriate the house at any time for occupation by any military officer or civil officer.

Right of the Government to appropriate the house for occupation by any military or civil officer

Condition VII—If the Lessee lets the house to any person other than a military officer or (if the house has been set apart in accordance with condition X for occupation by civil officers) a civil officer, possession of the house shall not be given until—

Agreement to vacate to be executed when house is let to any person other than a military or civil officer

(a) such person has executed a stamped agreement undertaking to vacate the house whenever required so to do in pursuance of a notice issued under Condition VIII or Condition X without claiming any

The Cantonment Code, 1918

SCHEDULE VI—*contd*

compensation and has registered such agreement under the law for the time being in force relating to the registration of documents and

- (b) the Lessee has forwarded an attested copy of such agreement to the Cantonment Authority.

Condition VIII.—Whenever the Cantonment Authority considers that the right reserved by Condition VI should be exercised on behalf of any military officer it may if the house is not already occupied by a military officer and if it has not been set apart in accordance with Condition X for occupation by civil officers by notice in writing—

Appropriation of house for a military officer where it is not already occupied by a military officer

- (a) require the Lessee to let the house to the military officer named in the notice and

- (b) require the existing tenant (if any) to vacate the same

Condition IX.—If the house is occupied by a departmental military officer and the Cantonment Authority considers that the right reserved by Condition VI should be exercised in behalf of a regimental officer, or *vice versa* it may, by notice in writing, require the officer in occupation to vacate the house,

and may, if necessary, by further notice in writing, require the Lessee to accept the change of tenancy

Condition X.—(1) The Cantonment Authority may, at any time, with the previous sanction of the Officer Commanding the Division, given with the concurrence of the Local Government set apart the house for occupation by civil officers

Appropriation of house for civil officers

(2) If the house has been so set apart, the arrangement shall not be revoked without the concurrence of the Local Government

(3) If, while the house is so set apart, the Cantonment Authority at any time considers that the right reserved by Condition VI should be exercised in behalf of any civil officer, it may, if the house is not already occupied by a civil officer, by notice in writing—

- (a) require the Lessee to let the house to the civil officer named in the notice, and

- (b) require the existing tenant (if any) to vacate the same

Condition XI.—(1) Whenever a military officer or a civil officer considers that a notice should be issued in his behalf under Condition VIII, Condition IX or Condition X, he may request (in the case of a regimental officer) the commanding officer of his regiment or (in the case of a departmental military officer) the local head of his department or (in the case of a civil officer) the District Magistrate to make an application to that effect to the Cantonment Authority

Procedure to be observed before appropriating house

(2) On receipt of any such application the Cantonment Authority shall inquire into the case, and it shall not issue the notice unless it is satisfied—

- (a) that the officer ought to reside in the Cantonment, and
 (b) that the circumstances are such as to require its intervention, and
 (c) that the rent offered by the officer for the house is reasonable, and
 (d) if the house is vacant, that it is suitable for the residence of the officer, and
 (e) if the house is occupied, that it is suitable for the residence of the officer, and that there is no vacant house in the Cantonment which is suitable for his residence

The Cantonment Code, 1912

SCHEDULE VI—*contd.*

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a railway ad
and Indian Government.

(2) Before application is made for such sanction the Commanding Officer of the Cantonment shall certify whether or not in his opinion the number of houses in the Cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

- (a) cause an ^{act} or in ^{the} military ^{service}
- (b) necessitate the acquisition of land at some future time for the extension of the Cantonment

Houses not to be appropriated for military or civil offices if it is occupied; with sanction as a hospital bank hotel, shop or school or by a railway administration or in otherwise appropriated by the Government

Condition XIII—No notice shall be issued under Condition VIII or Condition X if the house—

- (a) is a
- (b) is occupied, with the sanction aforesaid by a Railway administration, or
- (c) is appropriated by the Local Government with the concurrence of the Officer Commanding the Division or by the Governor-General in Council, for use as a public office or for any other purpose

Condition XII—Every notice to the Lessee issued under *Condition VIII*, *Condition IX* or *Condition X* shall state the amount of monthly rent which the proposed tenant offers to pay for the house

Time to process 0

(2) If _____ is occupied, no such notice as aforesaid shall require its vacation in less than thirty days from service of the notice

Condition FVI--(1) Subject to the terms of any agreement in writing
Terms of tenancy app. " " " " civil lease
military and civil officer " " " " to be
a lease from month " " " " "

- (a) without notice in the case of the departure of the officer from the Cantonment on duty or under medical certificate or in the case of a Committee of Arbitration deciding that the house has become unfit for occupation, or
- (b) by one month's notice in writing to the Lessee in any other case

(2) A notice under clause (1) of this condition must be signed by or on behalf of the officer concerned, and the Cantonment Magistrate shall, if the officer so desires, cause it to be served on the Lessee free of charge.

The Cantonment Code, 1918

SCHEDULE VI—*contd*

(3) When a military officer or a civil officer has, in pursuance of clause (1) of this condition, given up his occupation of the house without notice and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month:

Provided that the sum shall not, in any case be less than one-fourth of the monthly rent.

Condition XVII—If any tenant of the house, being a military officer or a civil officer, sublets the same without the consent of the Lessee, the sublease shall be voidable at the option of the Lessee.

Condition XVIII—(1) If the Lessee considers that any rent offered by a proposed tenant and stated in a notice in accordance with Condition XIV is insufficient, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the Cantonment to a Committee of Arbitration

(2) If the Lessee does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered

(3) After such acceptance of the decision of a Committee of Arbitration, the amount of such rent shall not be called in question by either party except in the circumstances mentioned in clause (a) of Condition XXI

the notice

(2) If the Lessee objects to comply with any notice issued under clause (1) of this condition he may within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the Cantonment to a Committee of Arbitration

Condition XX—If any tenant of the house, being a military or civil officer considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation he may apply to the Commanding Officer of the Cantonment to refer the matter

to a Committee of Arbitration

Condition XXI—If the Lessee and any tenant of the house, being a military or civil officer, disagree—

Power of either Lessee or tenant to apply for reference to arbitration on other questions.

(a) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(b) on any matter relating to rent or repairs other than a matter referred to in clause (a) of this Condition or in Condition XVIII, Condition XIX or Condition XX

Either the Lessee or the tenant may apply to the Commanding Officer of the Cantonment to refer the matter to a Committee of Arbitration.

Condition XXII—Whenever any matter is referred to a Committee of Arbitration in pursuance of Condition XVIII, Condition XIX, Condition XX or Condition XXI, the Committee shall be constituted as provided

The Cantonment Code, 1912

SCHEDULE VI—contd

in Chapter XX of the Cantonment Code, 1912, and the Lessee and his tenant shall be bound by the decision of the Committee

Condition XXIII—If the Lessee fails to comply with any notice issued under clause (1) of Condition XIX, and has not repairs and deduct cost from within fifteen days from the service of such notice, rent required that the matter be referred to a Committee of Arbitration, or

If any Committee of Arbitration constituted under Chapter XX of the Cantonment Code, 1912, decides that repairs are necessary and the extent to which they are necessary and the Lessee fails to execute such repairs within a period to be specified in a notice issued by the Cantonment Authority in that behalf, the tenant of the house may himself cause the repairs specified in the notice to be executed at rates not exceeding those paid in the Cantonment by the Military Works Department or the Public Works Department and may deduct the cost thereof from the rent or otherwise recover it from the Lessee

Condition XXIV—(1) If the Lessee does not commence or complete as required by Condition I the buildings to be erected on the land, the Cantonment Authority may, by notice in writing require him to remove all or any buildings or materials which he may have erected or collected thereon, and if he fails to comply with such notice, the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him and may also cancel the lease.

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the Cantonment Authority may, by notice in writing, require him to remove the building or to alter the same to its satisfaction, and if he fails to comply with such notice, the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him

Condition XXV—(1) So long as the Lessee shall [*duly pay the said rent of Rs _____ and] observe the conditions hereinbefore specified and on his part to be observed, he may, subject to Condition XXVII, hold the land for the term of _____ years computed from the _____ day of _____ without interruption by the Secretary of State

(2) At the expiry of the said term of _____ years the lessee may be granted a To be struck out in cases where it is intended that the lease shall not be renewable

(3) If the Lessee shall [fail to pay the said rent of Rs _____ for 21 days after the same] the event of the said cyclone or other act Condition III hereof re-instate the same and within such period hereinbefore specified to be observed, the _____ in writing, resume the _____, declare all or any part of the right and interest of the Lessee in the buildings erected on the land to be forfeited.

Condition XXVI—The Lessee shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition XXIV, or Condition XXV, clause (2).

Claims to compensation barred

The Cantonment Code, 1912

SCHEDULE VI—*concl'd*

Land and buildings to be delivered up at expiration of term without compensation and right of Government to resume land prior to expiration of term on payment of compensation.

To be struck out when sub-clause (2) is to be used

Condition XXVII—(1) At the expiration of the said term of years the Lessee shall deliver up to the Local Government and without receiving any compensation whatever (the land comprised in this demise together with all erections and buildings which may be then standing thereon

(2) If at the expiry of the said term of years the General Officer

Commanding the Division in the exercise of his discretion declines to renew the lease, the lessee shall deliver up to the Local Government and without any compensation whatever therefor the land comprised in this demise together with all erections and buildings

To be struck out when it is intended that the lease shall be absolutely terminable at the end of the fixed period and the buildings are to lapse to Government.

which may be standing thereon on payment of compensation for such erections and buildings only as shall have been erected under proper authority

If there shall be any dispute as to the amount of such compensation, the same shall be referred to a Committee of Arbitration as hereinafter provided

Provided always that the Local Government may at any time prior to the

portion thereof
that behalf to
upon paying to
the land of
erected during
as to the
Committee of
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ision of such

Committee In calculating the amount of such compensation there shall be taken into account the following —

- (i) The original cost of materials and construction.
- (ii) The condition of the buildings and their value at the date of resumption.
- (iii) The rent or profit (if any) or the equivalent which the Lessee may receive or enjoy from the use of the buildings or on account thereof
- (iv) The period within which the buildings would become the property of Government without payment of any compensation to the Lessee

The Lessee shall not at any time during the said term remove the buildings erected on the said land or any part thereof nor make any structural alteration thereof or addition thereto without the like written permission mentioned in Condition II hereof

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CANTONMENTS ACT, 1910, AND CANTONMENT CODE, 1912.

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